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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the Third Committee (Part I)

Rapporteur: Mr. Mario DE LEON (Philippines)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Report of the Economic and Social Council".

2. At the same meeting, the Assembly decided to allocate to the Third Committee chapters of the Council's report 1/ that were considered under the relevant items of the agenda (see A/C.3/45/2).

3. The Third Committee considered item 12 at its 48th to 50th, 52nd to 60th and 62nd and 63rd meetings, between 20 and 30 November and from 3 to 5 December 1990. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/45/SR.48-50, 52-60, 62-63).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Economic and Social Council for the year 1990 (A/45/3); 1/

(b) Report of the open-ended Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (A/C.3/45/1);

1/ To be issued as Official Records of the General Assembly, Forty-fifth Session, Supplement No. 3 (A/45/3/Rev.1).

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(c) Report of the Secretary-General on measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on apartheid, racial discrimination and racism, and the systematic denial of human rights and fundamental freedoms (A/45/170-E/1990/32);

(d) Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in Asia and the Pacific (A/45/210-E/1990/21);

(e) Report of the Secretary-General on regional arrangements for the promotion and protection of human rights (A/45/348);

(f) Report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide (A/45/404);

(g) Report of the Secretary-General on assistance to refugees and displaced persons in Malawi (A/45/444);

(h) Report of the Secretary-General on humanitarian assistance to refugees and displaced persons in Djibouti (A/45/445);

(i) Report of the Secretary-General on the situation of refugees in the Sudan (A/45/446);

(j) Report of the United Nations High Commissioner for Refugees on assistance to refugees and returnees in Ethiopia (A/45/447);

(k) Report of the Secretary-General on assistance to student refugees in southern Africa (A/45/448);

(l) Report of the Secretary-General on assistance to refugees and returnees in Somalia (A/45/508);

(m) Report of the Secretary-General on international co-operation in drug abuse control (A/45/542);

(n) Report of the Secretary-General on the World Conference on Human Rights (A/45/564 and Add.1);

(o) Note by the Secretary-General on the situation of human rights in southern Lebanon (A/45/578);

(p) Report of the Secretary-General on human rights and mass exoduses (A/45/607);

(q) Note by the Secretary-General transmitting the report of the Special Representative of the Commission on Human Rights on the situation of human rights in El Salvador (A/45/630);

(r) Note by the Secretary-General transmitting the report of the Joint Inspection Unit on the co-ordination of activities related to early warning of possible refugees flows (A/45/649 and Corr.1 and Add.1);

(s) Report of the Secretary-General on assistance to voluntary returnees and displaced persons in Chad (A/45/651);

(t) Note by the Secretary-General transmitting the interim report of the Special Rapporteur on the situation of human rights in Afghanistan (A/45/664);

(u) Note by the Secretary-General transmitting the interim report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran (A/45/697);

(v) Report of the Secretary-General on the status of the United Nations Voluntary Fund for Indigenous Populations (A/45/698);

(w) Letter dated 20 March 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Hungary to the United Nations addressed to the Secretary-General (A/45/174);

(x) Letter dated 5 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/203-S/21231);

(y) Letter dated 9 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/207-S/21238);

(z) Letter dated 12 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/216-S/21248);

(aa) Letter dated 20 April 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/227-S/21260);

(bb) Letter dated 9 May 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/45/272-S/21293);

(cc) Letter dated 16 May 1990 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/45/280);

(dd) Letter dated 5 June 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Malaysia to the United Nations addressed to the Secretary-General (A/45/303);

(ee) Letter dated 29 June 1990 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General (A/45/329);

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(ff) Letter dated 9 July 1990 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General (A/45/338-E/1990/103);

(gg) Letter dated 3 August 1990 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General (A/45/381-E/1990/118);

(hh) Letter dated 13 August 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Kenya to the United Nations addressed to the Secretary-General (A/45/410);

(ii) Note verbale dated 19 October 1990 from the Permanent Representative of El Salvador to the United Nations addressed to the Secretary-General (A/45/667-S/21905);

(jj) Letters dated 26 October 1990 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General (A/45/689, A/45/690, A/45/691, A/45/692 and A/45/693).

5. At the 48th meeting, on 20 November, the Director, Implementation of International Instruments and Procedures Branch, Centre for Human Rights of the United Nations Office at Geneva, made an introductory statement, on behalf of the Under-Secretary-General for Human Rights (see A/C.3/45/SR.48).

6. At the same meeting, the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan made a statement.

7. Also at the same meeting, the Special Rapporteur, Mr. Felix Ermacora, introduced his report on the situation of human rights in Afghanistan (A/45/664); the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl, introduced his report on the situation of human rights in the Islamic Republic of Iran (A/45/697); and the Chief of Special Procedures Unit, Centre for Human Rights, introduced the report on the situation of human rights in El Salvador (A/45/630) on behalf of the Special Representative, Mr. Pastor Ridruejo.

8. At the same meeting, a statement on the co-ordination of activities related to early warning of possible refugee flows (see A/45/649 and Corr.1) was made by the Inspector of the Joint Inspection Unit.

9. At the 49th meeting, on 21 November, the Chairman of the Working Group on southern Africa of the Commission on Human Rights, introduced the report on assistance to student refugees in southern Africa (A/45/448).

10. At the 60th meeting, on 3 December, the representative of Bolivia, on behalf of the Group of 77, made a statement in connection with the implementation of Economic and Social Council resolution 1990/48 of 25 May 1990 on the enlargement of the Commission on Human Rights. In that resolution, the Council decided to increase the membership of the Commission to 53 and to allocate the 10 additional seats among the regional groups of Africa, Asia, and Latin America and the

Caribbean on the basis of the principle of equitable geographical distribution. The Council further decided that the enlarged membership of the Commission should be elected in 1991 and that the provisions decided upon should take effect at the forty-eighth session of the Commission. Accordingly, the Group of 77 would consider it appropriate for the Economic and Social Council, at its organizational session for 1991, to allocate the 10 additional seats as follows: four for Africa, three for Asia and three for Latin America and the Caribbean.

II. CONSIDERATION OF PROPOSALS

A. Draft decision A/C.3/45/L.62

11. At the 55th meeting, on 28 November, the representative of Mexico, also on behalf of Finland, introduced a draft decision (A/C.3/45/L.62) entitled "Adoption of an international convention on the protection of the rights of all migrant workers and members of their families".

12. The Committee had before it a statement (A/C.3/45/L.97) of the programme budget implications of the draft decision submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly.

13. At its 58th meeting, on 30 November, the Committee adopted the draft decision by a recorded vote of 126 to 2, with 5 abstentions (see paras. 50 to 52 and para. 109, draft resolution VIII). The voting was as follows: 2/

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saint Kitts and Nevis, Samoa, Sierra Leone, Singapore, Somalia,

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2/ Subsequently, the representative of Senegal indicated that, had she been present, she would have voted in favour of the draft decision. The representative of Cameroon indicated that she intended to vote in favour, and not to abstain.

Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Japan, United States of America.

Abstaining: Brunei Darussalam, Cameroon, Hungary, Oman, Zaire.

14. After the adoption of the draft decision, the representatives of the United States of America and Japan made statements (see A/C.3/45/SR.58).

15. At the 63rd meeting, on 5 December, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement (see A/C.3/45/SR.63).

B. Draft resolution A/C.3/45/L.69

16. At the 55th meeting, the representative of the Byelorussian Soviet Socialist Republic, also on behalf of Poland, introduced a draft resolution (A/C.3/45/L.69) entitled "Status of the Convention on the Prevention and Punishment of the Crime of Genocide".

17. At its 57th meeting, on 29 November, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution I).

C. Draft resolution A/C.3/45/L.70

18. At the 55th meeting, the representative of Canada, on behalf of Australia, Canada, Colombia, Costa Rica, Germany, Hungary, Italy, Japan, Jordan, Luxembourg, New Zealand, the Philippines, Poland, Samoa and the United States of America introduced a draft resolution (A/C.3/45/L.70) entitled "Human rights and mass exoduses".

19. At its 57th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution II).

D. Draft resolution A/C.3/45/L.71

20. At the 57th meeting, the representative of Zaire, on behalf of Afghanistan, Algeria, Angola, Bahrain, Bangladesh, Bolivia, Brunei Darussalam, Cameroon, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cuba, the Dominican Republic, Egypt, Ghana, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lebanon, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Morocco, Myanmar, Namibia, the Niger, Nigeria, Oman, Pakistan, Panama, Peru, the Philippines, Qatar, Saudi Arabia, Senegal,

Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, the Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, the United Arab Emirates, the United Republic of Tanzania, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.71) entitled "Assistance to refugees in Somalia".

21. At its 58th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution III).

22. Before the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/45/SR.58).

23. After the adoption of the draft resolution, the representatives of Japan, the United Kingdom of Great Britain and Northern Ireland and Australia made statements. The representative of Somalia also made a statement (see A/C.3/45/SR.58).

E. Draft resolutions A/C.3/45/L.72 and L.72/Rev.1

24. At the 55th meeting, the representative of Greece, on behalf of Algeria, Australia, Belgium, Bulgaria, Canada, Cape Verde, Chile, Costa Rica, Cyprus, Czechoslovakia, Denmark, El Salvador, Finland, France, Germany, Greece, Guatemala, Iceland, Indonesia, Ireland, Italy, Luxembourg, Namibia, the Netherlands, New Zealand, Nigeria, Norway, Philippines, Poland, Portugal, Senegal, Spain, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia, introduced a draft resolution (A/C.3/45/L.72) entitled "Developments relating to the activities of the Centre for Human Rights", which read as follows:

"The General Assembly,

"Recalling its resolution 44/135 of 15 December 1989,

"Bearing in mind Commission on Human Rights resolutions 1989/46 of 6 March 1989 1/ and 1990/25 of 27 February 1990, 2/ as well as Economic and Social Council resolution 1990/47 of 25 May 1990,

"Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic aims of the United Nations according to the Charter of the United Nations and an issue of the utmost importance for the Organization,

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"1/ See Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

"2/ Ibid., 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

"Recognizing that the work-load of the Centre for Human Rights of the Secretariat has increased rapidly in recent years, while resources have failed to keep pace with the increase in its responsibilities, 3/

"Noting that the difficult financial situation during the biennium 1990-1991 created considerable obstacles to implementing the various procedures and mechanisms, negatively influenced the servicing by the Secretariat of the bodies concerned and impaired the quality and precision of the reporting,

"Expressing its regret that the Secretariat did not submit to the General Assembly in time for consideration under agenda item 12 the brief report requested by the Economic and Social Council in paragraph 3 of its resolution 1990/47, on actions taken in 1990 and those planned for 1991 as interim solutions to this problem, and expressing the hope that the report will be submitted as soon as possible,

"1. Requests the Secretary-General, in conformity with his commitment 4/ to include in the proposed programme budget for the biennium 1992-1993 programme and resource proposals for long-term solutions to the problems posed by this situation, responding to the needs of the Centre for Human Rights and commensurate with its work-load, taking also into account the need to respond to the requests for advisory services and technical assistance, primarily from developing countries, the proposals contained in the report of the Task Force on Computerization, 5/ as well as in the study carried out by an independent expert on the effective implementation of international instruments on human rights; 6/

"2. Also requests the Secretary-General, in conformity with his commitment and in the context of the revised estimates for the current biennium, to submit to the General Assembly at its present session programme budget proposals, including in terms of human resources, that will provide interim solutions to the problems posed by the resource situation of the Centre for Human Rights;

"3. Further requests the Secretary-General to submit the report requested by the Economic and Social Council in its resolution 1990/47 also to the Commission on Human Rights at its forty-seventh session;

"3/ See E/1990/50.

"4/ Ibid., para. 59.

"5/ E/CN.4/1990/39.

"6/ A/44/668, annex.

"4. Requests the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the implementation of the present resolution under item 12 of its agenda."

25. Subsequently, Samoa joined in sponsoring the draft resolution.

26. At the same meeting, the Director of the Office of the Under-Secretary-General for Administration and Management made a statement in connection with operative paragraph 2 of the draft resolution (see A/C.3/45/SR.55).

27. Also at the same meeting, the representatives of Greece, Morocco, Australia, Sweden, Italy, Cuba and the Union of Soviet Socialist Republics and the Chairman of the Committee made statements (see A/C.3/45/SR.55).

28. At the 60th meeting, on 3 December, the representative of Greece, on behalf of the sponsors, joined by Austria and Morocco, introduced a revised draft resolution (A/C.3/45/L.72/Rev.1) and further orally revised it as follows:

(a) In the sixth preambular paragraph, the words "no specific proposals have been made" were deleted and replaced with the words "the only specific proposal made" and at the end of the paragraph, the following words were added: "is the reference to voluntary donations";

(b) In operative paragraph 1, before the words "specific proposals as interim solutions" the word "additional" was inserted, and the words "for additional human resources" were deleted and replaced with the words "in particular indicating the human resources required for the Centre to carry out its functions adequately".

29. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 109, draft resolution IV).

30. At the 63rd meeting, on 5 December, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement (see A/C.3/45/SR.63).

F. Draft resolutions A/C.3/45/L.73 and L.73/Rev.1 and amendments thereto in A/C.3/45/L.95 and L.95/Rev.1

31. At the 55th meeting, the representative of Morocco, on behalf of Australia, Austria, the Bahamas, Belgium, Bulgaria, the Byelorussian Soviet Socialist Republic, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, the Dominican Republic, El Salvador, Finland, France, Gambia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, the Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, the Netherlands, New Zealand, Nigeria, Norway, the Philippines, Poland, Portugal, Romania, Samoa, Senegal, Sierra Leone, Somalia, Spain, Sweden, Togo, Tunisia, Turkey, the United Kingdom of Great Britain and Northern Ireland, Yugoslavia and Zaire, introduced a draft resolution (A/C.3/45/L.73) entitled "World Conference on Human Rights", which read as follows:

"The General Assembly,

"Mindful of the goal of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, as set out in the Charter of the United Nations and the Universal Declaration of Human Rights, 1/

"Bearing in mind that all Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

"Noting the progress made by the United Nations over the past several years towards this goal and the fact that there are areas in which further progress should be made,

"Noting also that violations of human rights and fundamental freedoms continue to occur,

"Considering that, in view of the progress made, the problems that remain and the new challenges that lie ahead, it would be appropriate to conduct a review of what has been accomplished through the human rights programme and what remains to be done,

"Recalling its resolution 44/156 of 15 December 1989 in which it requested the Secretary-General to seek the views of Governments, specialized agencies, non-governmental organizations and United Nations bodies concerned with human rights on the desirability of convening a world conference on human rights for the purpose of dealing at the highest level with the crucial questions facing the United Nations in connection with the promotion and protection of human rights,

"Taking note of the report of the Secretary-General containing those views, 2/

"Noting the expression of support for the convening of a world conference on human rights from many Governments, specialized agencies and United Nations bodies concerned with human rights and from non-governmental organizations,

"Noting also the many views concerning the importance of thorough advance preparation for the success of the conference,

"Convinced that the holding of a world conference on human rights could make a significant contribution to the effectiveness of the actions of the United Nations and its Member States in the promotion and protection of human rights,

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"1/ Resolution 217 A (III).

"2/ A/45/564.

"1. Decides to convene at a high level a World Conference on Human Rights in 1993 with the following objectives:

"(a) To review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles and ways in which they can be overcome to further progress in this area;

"(b) To examine ways and means to improve implementation of existing human rights standards and instruments;

"(c) To evaluate the effectiveness of the methods and mechanisms used by the United Nations in the field of human rights;

"(d) To formulate concrete recommendations for improving the effectiveness of United Nations activities and mechanisms in the field of human rights through programmes aimed at promoting, encouraging and monitoring respect for human rights and fundamental freedoms;

"(e) To make recommendations for ensuring the necessary financial and other resources for the United Nations activities in the promotion and protection of human rights and fundamental freedoms;

"2. Decides to establish a Preparatory Committee for the World Conference on Human Rights, which shall be open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers, in accordance with the established practice of the General Assembly;

"3. Also decides that the Preparatory Committee should have the mandate to make proposals for the consideration of the General Assembly regarding the agenda, date, duration, venue of and participation at the Conference, the preparatory meetings and activities at the international, regional and national levels, and on the desirable studies and other documentation;

"4. Further decides that the Preparatory Committee, at its first session, shall elect a five-member bureau composed of a chairman, three vice-chairmen and a rapporteur;

"5. Instructs the Preparatory Committee to deal with the substantive preparation of the Conference in accordance with the goals and objectives of the Conference as set out in paragraph 1 above and bearing in mind the recommendations of the Commission on Human Rights at its forty-seventh session;

"6. Decides that the Preparatory Committee shall hold five-day sessions at Geneva in September 1991;

"7. Also decides, in accordance with resolution 42/211 of 21 December 1987 and, without prejudice to the overall level of resources adopted by the General Assembly for 1990-1991 and the agreed proposed programme budget outline for the biennium 1992-1993, that the preparatory process and the Conference itself should be funded through the regular budget of the United Nations, without any implications for the programmes provided for under section 23 of the budget, and invites contributions of extrabudgetary resources;

"8. Requests the Commission on Human Rights to make recommendations to the Preparatory Committee on the above issues during those sessions that will take place prior to the Conference;

"9. Encourages the Chairman of the Commission on Human Rights, the chairmen or other designated members of human rights expert bodies as well as special and thematic rapporteurs and chairmen or designated members of working groups to take part in the work of the Preparatory Committee;

"10. Requests Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations and non-governmental organizations concerned with human rights to assist the Preparatory Committee and to undertake reviews and submit recommendations on the Conference and its preparation to the Preparatory Committee through the Secretary-General and to participate actively in the Conference;

"11. Requests the Secretary-General to submit to the Preparatory Committee a report on the contributions that will be made pursuant to paragraphs 9 and 10 above;

"12. Also requests the Secretary-General to appoint a Secretary-General for the Conference from within the Secretariat and to provide the Preparatory Committee with all necessary assistance;

"13. Requests the Preparatory Committee to report to the General Assembly at its forty-sixth and forty-seventh sessions on the progress of work of the Committee."

32. Subsequently, Saint Kitts and Nevis joined in sponsoring the draft resolution.

33. The Committee had before it a statement (A/C.3/45/L.98) on the programme budget implications of the draft resolution, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly.

34. At the 57th meeting, the representative of China, also on behalf of Colombia, Lesotho, Sri Lanka and Uganda, introduced amendments (A/C.3/45/L.95) to draft resolution A/C.3/45/L.73. The amendments read as follows:

"1. Add the following new paragraph as the second preambular paragraph

Recognizing that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of another category,

"2. Former second (now third) preambular paragraph after to achieve replace the rest of the paragraph with

international co-operation in promoting and encouraging respect for human rights and fundamental freedoms,

"3. Former third (now fourth) preambular paragraph, delete over the past several years

"4. Operative paragraph 1, add the following new subparagraph as subparagraph (b)

(b) To examine the link between the existing international economic environment and the full enjoyment of human rights universally, and its effects on the conditions in which everyone can enjoy economic, social and cultural rights as well as civil and political rights;

Renumber the remaining subparagraphs accordingly.

"5. Operative paragraph 4, after shall elect, insert with due regard to equitable geographic representation. Replace five and three with ten and eight.

"6. Operative paragraph 6, at the end of the paragraph, add and regional preparatory meetings should be held in 1992."

35. At the same meeting, the representative of Morocco, on behalf of the sponsors, joined by Liechtenstein, introduced a revised draft resolution (A/C.3/45/L.73/Rev.1).

36. At the 58th meeting, on 30 November, the representative of China, also on behalf of Colombia, Lesotho, Sri Lanka and Uganda, introduced amendments (A/C.3/45/L.95/Rev.1) to draft resolution A/C.3/45/L.73/Rev.1. The amendments read as follows:

"1. Third preambular paragraph, after to achieve replace the rest of the paragraph with

international co-operation in promoting and encouraging respect for human rights and fundamental freedoms,

"2. Operative paragraph 1, replace subparagraph (b) with the following text

(b) To examine the link between the existing international economic environment and the full enjoyment of human rights universally and its effects on the conditions in which everyone can enjoy economic, social and cultural rights as well as civil and political rights;

Renumber the remaining subparagraphs accordingly.

"3. Operative paragraph 4, replace five and three with ten and eight

"4. Operative paragraph 6, at the end of the paragraph, add and regional preparatory meetings should be held in 1992."

37. At the 59th meeting, the representative of Morocco made a statement and orally revised draft resolution A/C.3/45/L.73/Rev.1 as follows:

(a) In the third preambular paragraph, the phrase "in co-operation with the United Nations" was deleted, and the phrase "in conformity with relevant articles of the Charter" was inserted at the end of the paragraph;

(b) At the end of operative paragraph 1 (b) the phrase "recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights" was inserted;

(c) In operative paragraph 3, the words "which should take place in 1992" were inserted after the words "at the international, regional and national levels,".

38. At the same meeting, the representative of China made a statement in which he declared that he would join the consensus on draft resolution A/C.3/45/L.73/Rev.1, as further orally revised by the representative of Morocco (see A/C.3/45/SR.59).

39. Also at the same meeting, the Committee adopted the draft resolution, as orally revised (see para. 109, draft resolution V).

40. In the light of the adoption of the draft resolution, the amendments contained in document A/C.3/45/L.95/Rev.1 were withdrawn.

41. After the adoption of the draft resolution, the representatives of Cuba and Bangladesh made statements (see A/C.3/45/SR.59).

G. Draft decision A/C.3/45/L.74

42. At the 55th meeting, the representative of Norway, also on behalf of Australia, Canada, Cyprus, Denmark, Finland, the Netherlands, New Zealand, the Philippines and Sweden, introduced a draft decision (A/C.3/45/L.74) entitled "United Nations Voluntary Fund for Indigenous Populations".

43. At its 57th meeting, the Committee adopted the draft decision without a vote (see para. 110, draft decision I).

H. Draft resolution A/C.3/45/L.75

44. At the 57th meeting, the representative of Zaire, on behalf of Algeria, Burkina Faso, Burundi, Cameroon, Cape Verde, the Central African Republic, Chad, Chile, China, Colombia, the Comoros, the Congo, Costa Rica, Côte d'Ivoire, Djibouti, Egypt, Gabon, Guinea, Guinea-Bissau, Haiti, Indonesia, Japan, Malawi, Mali, Morocco, the Niger, the Philippines, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Thailand, Togo, Tunisia, Yemen and Zaire, introduced a draft resolution (A/C.3/45/L.75) entitled "Assistance to voluntary returnees and displaced persons in Chad". Subsequently, Suriname joined in sponsoring the draft resolution.

45. At its 58th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution VI).

46. Before the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/45/SR.58).

I. Draft resolution A/C.3/45/L.76

47. At the 57th meeting, the representative of Zaire, on behalf of Algeria, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, China, Colombia, the Comoros, the Congo, Côte d'Ivoire, Cuba, Cyprus, Djibouti, the Dominican Republic, Ecuador, Egypt, Ethiopia, France, Gabon, Guinea, Guinea-Bissau, Haiti, India, Indonesia, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Morocco, Nepal, the Niger, Nigeria, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, the Sudan, Suriname, Swaziland, the Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, the United Arab Emirates, the United Republic of Tanzania, Uruguay, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.76) entitled "Humanitarian assistance to refugees and displaced persons in Djibouti".

48. At its 58th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution VII).

49. Before the adoption of the draft resolution, the representative of the United States of America made a statement. The representative of Djibouti also made a statement (see A/C.3/45/SR.58).

J. Draft resolution A/C.3/45/L.77

50. At the 55th meeting, the representative of Mexico, on behalf of Algeria, Bangladesh, Barbados, Bolivia, Colombia, Ecuador, Finland, Greece, Guatemala, Guinea, India, Italy, Lebanon, Mali, Mexico, Morocco, the Philippines, Portugal, Saint Kitts and Nevis, Senegal, Somalia, Sweden, Tunisia, Turkey, Yugoslavia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.77) entitled "Draft international convention on the protection of the rights of all migrant workers and their families". Subsequently, Nigeria and Cape Verde joined in sponsoring the draft resolution.

51. At its 58th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution VIII).

52. After the adoption of the draft resolution, the representatives of Belgium, New Zealand, Germany, the United States of America, Canada, Austria, Oman, Japan, France and Senegal made statements (see A/C.3/45/SR.58).

K. Draft resolution A/C.3/45/L.78

53. At the 57th meeting, the representative of Zaire, on behalf of Algeria, Botswana, Burkina Faso, Cameroon, the Central African Republic, Chad, the Congo, Côte d'Ivoire, Djibouti, Egypt, Ethiopia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Morocco, the Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Swaziland, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.78) entitled "Assistance to refugees and displaced persons in Malawi". Subsequently, Suriname joined in sponsoring the draft resolution.

54. At its 58th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution IX).

55. Before the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/45/SR.58).

56. The representative of Malawi also made a statement (see A/C.3/45/SR.58).

L. Draft resolution A/C.3/45/L.79

57. At the 57th meeting, the representative of Zaire, on behalf of Algeria, Bangladesh, Botswana, Chad, China, the Congo, Costa Rica, Djibouti, Egypt, Guinea, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Lebanon, the Libyan Arab Jamahiriya, Malawi, Malaysia, Mali, Mauritania, Morocco, Namibia, the Niger, Nigeria, Oman, Pakistan, the Philippines, Qatar, Romania, Senegal, Sierra Leone, Somalia, Sri Lanka, the Sudan, Suriname, Swaziland, Thailand, Tunisia, Turkey, Uganda, the United Arab Emirates, the United Republic of Tanzania, Yemen, Yugoslavia, Zaire and Zambia, introduced a draft resolution (A/C.3/45/L.79) entitled "Situation of refugees in the Sudan".

58. At its 58th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution X).

59. Before the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/45/SR.58).

60. After the adoption of the draft resolution, the representative of Italy (on behalf of the European Community and its member States) made a statement.

61. The representative of the Sudan also made a statement.

M. Draft resolution A/C.3/45/L.80

62. At the 57th meeting, the representative of Zaire, on behalf of Algeria, Argentina, Bangladesh, Barbados, Benin, Bolivia, Botswana, Burkina Faso, Burundi, Cameroon, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Djibouti, the Dominican Republic, Egypt, Ethiopia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Japan, Kenya, Kuwait, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Morocco, Mozambique, Namibia, Nicaragua, the Niger, Nigeria, the Philippines, Romania, Rwanda, Senegal, Sierra Leone, Sri Lanka, Swaziland, Togo, Trinidad and Tobago, Uganda, the Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, the United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.80) entitled "Assistance to refugees and returnees in Ethiopia". Subsequently, Suriname joined in sponsoring the draft resolution.

63. In introducing the draft resolution, the representative of Zaire revised it as follows: in the fifth preambular paragraph, the word "flow" was replaced with the word "presence" and the words "into the country" were replaced with the words "in the country".

64. At its 58th meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 109, draft resolution XI).

65. Before the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/45/SR.58).

N. Draft resolution A/C.3/45/L.81

66. At the 55th meeting, the representative of Finland, on behalf of Austria, Belgium, Canada, Costa Rica, Cyprus, Czechoslovakia, Denmark, Finland, France, Greece, Hungary, Iceland, Italy, Kenya, Luxembourg, Morocco, the Netherlands, Norway, Poland, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/45/L.81) entitled "Summary or arbitrary executions". Subsequently, New Zealand and Samoa joined in sponsoring the draft resolution.

67. At its 57th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution XII).

O. Draft resolutions A/C.3/45/L.82 and Rev.1 and Rev.2 and amendments thereto in A/C.3/45/L.101

68. At the 55th meeting, the representative of Cuba introduced a draft resolution (A/C.3/45/L.82) entitled "Strengthening of United Nations action in the human rights field through the promotion of international co-operation and the strict observance of the principle of non-intervention", which read as follows:

"The General Assembly,

"Reaffirming its faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small and the need to promote social progress and to raise the level of life within a wider concept of liberty,

"Bearing in mind that one of the cardinal purposes of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

"Recalling that in accordance with Articles 55 and 56 of the Charter of the United Nations all Member States are obliged to take joint and separate action in co-operation with the Organization with a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, in order to promote universal respect for human rights and fundamental freedoms for all and the effectiveness of these rights and freedoms,

"Convinced that such co-operation should be based on an in-depth understanding of the wide range of problems existing in the various societies represented in the Organization and in the full respect for their respective political, economic and social realities,

"Recalling its resolution 32/130 of 16 December 1977, in which it stated that all human rights and fundamental freedoms of the human person and peoples were inalienable, indivisible and interdependent, and consequently the questions relating to human rights should be examined globally, taking into account both the overall context of the various societies and their modalities, as well as the need for the promotion of the full dignity of the human person and the development of the well-being of the society,

"Bearing in mind its resolutions 2131 (XX) of 21 December 1965, 2625 (XXV) of 24 October 1970 and 36/103 of 9 December 1981, which contain, respectively, the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States,

"Reiterating that nothing contained in the Charter shall authorize the United Nations, a Member State or a group of States to intervene in matters which are essentially within the domestic jurisdiction of any State,

"Reaffirming the duty of a State to refrain from the exploitation and distortion of human rights issues as a means of interfering in the internal affairs of States, of exerting pressure on other States or creating distrust and disorder within and among States or groups of States,

"Also reaffirming the right and duty of States to combat, within their constitutional prerogatives, the dissemination of false or distorted news that can be interpreted as interference in the internal affairs of other States or as being harmful to the promotion of peace, co-operation and friendly relations among States and nations,

"Taking into account the increase in governmental, non-governmental and transnational mass media actions in defamatory campaigns, vilifications or hostile propaganda for the purpose of intervening or interfering in the internal affairs of other States under the pretext of humanitarian concerns,

"1. Reaffirms the sovereign right of all people freely to determine, consolidate and defend their own political, economic, cultural and social system, without outside interference, subversion, coercion or threat in any form whatsoever;

"2. Reiterates that the exploitation and distortion of human rights issues as a means of interfering in the internal affairs of States, of exerting pressure on other States or creating distrust and disorder within and among States or groups of States, is as contrary to the basic principles of international law as any other kind of intervention;

"3. Expresses its profound conviction that the use of the human rights issue for political purposes creates serious obstacles for the achievement of an atmosphere of détente, peace and co-operation in international relations and adversely affects the real possibilities to find a solution to international humanitarian problems as well as an effective promotion, protection and realization of human rights and fundamental freedoms, in particular in the developing countries subject to such campaigns;

"4. Underlines the urgent need to achieve dissemination of impartial and objective information on the political, economic and social situations and events of all countries, in particular concerning the existing situation in the developing countries in the field of human rights, in order to contribute to the promotion of a climate of true confidence, co-operation at the international level, friendly relations and effective collaboration among all nations large and small, regardless of their diverse political, economic and social systems and different levels of development;

"5. Calls upon all Member States to adopt, within the framework of their respective legal system, the measures that they may deem appropriate to achieve such objectives;

"6. Requests the Commission on Human Rights to establish at its forty-seventh session an open-ended working group to examine the contents of the present resolution in order to consider:

"(a) The elaboration of a declaration regarding the strengthening of United Nations action in the human rights field through the promotion of international co-operation and the strict observance of the principle of non-intervention;

"(b) The ways and mechanisms that could be established to strengthen United Nations action in this field and to examine non-compliance with the present resolution;

"7. Requests the Commission on Human Rights, at its forty-seventh session, to report to the General Assembly, through the Economic and Social Council, on the outcome of the discussion in the open-ended working group;

"8. Requests the Secretary-General to take into account, in the implementation of the resolutions regarding programmes on the World Public Information Campaign on Human Rights, the concerns and provisions contained in the present resolution, as well as the concepts and principles contained in General Assembly resolutions 2131 (XX), 2625 (XXV), 36/103 and 32/130;

"9. Requests the Secretary-General to transmit to Member States the text of the present resolution, requesting them to communicate their views on ways to strengthen the United Nations action in this field through the promotion of co-operation among Member States and the strict observance of the principle of non-intervention, and to report to the General Assembly at its forty-sixth session the answers received, under the item entitled 'Report of the Economic and Social Council'."

69. At the 58th meeting, the representative of Australia, also on behalf of the United Kingdom of Great Britain and Northern Ireland, introduced amendments (A/C.3/45/L.101) to draft resolution A/C.3/45/L.82. The amendments read as follows:

"1. First preambular paragraphs, line 3: for the need read its determination and for the words after progress read and better standards of life in larger freedom

"2. Second preambular paragraph, line 1: delete cardinal

"3. Insert a new third preambular paragraph reading

Also bearing in mind that one of the purposes of the United Nations is to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

"4. Former third preambular paragraph: delete all words after Charter of the United Nations and insert the United Nations shall promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion with a view to the creation of conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and that all Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55,

"5. Delete the former fourth preambular paragraph and insert:

Desirous of achieving further progress in international co-operation in the field of promoting and encouraging respect for human rights and fundamental freedoms,

Considering that such international co-operation should be based on the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments,

Deeply convinced that such co-operation should be based on a profound understanding of the economic, social and cultural realities and the variety of problems existing in different societies;

"6. Former fifth preambular paragraph, line 1: delete all words after 1977

"7. Delete the former sixth preambular paragraph.

"8. Former seventh preambular paragraph, line 2: delete a Member State or a group of States

"9. Delete former eighth to tenth preambular paragraphs and insert:

Bearing in mind also that mass and flagrant violations of human rights in one State may threaten the peace and development of neighbouring States, of a region or of the international community as a whole,

Recognizing that violations of human rights, wherever they exist, are of concern to the United Nations,

Emphasizing that the absence of peace or development can never exempt a State from its obligation to ensure respect for the human rights of its nationals and of other persons within its jurisdiction,

Reaffirming that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights without distinction of any kind, as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under various international instruments in the field of human rights,

"10. Delete operative paragraph 1 and insert:

Reaffirms that by virtue of their right to self-determination, all peoples freely determine their political status and freely pursue their economic, social and cultural development;

"11. Delete operative paragraph 2 and insert:

2. Calls upon all Member States to base their activities for the protection and promotion of human rights, including the development of further international co-operation in this field, on the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments and to refrain from activities that are inconsistent with this international legal framework;

3. Considers that such co-operation should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights, to the promotion of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

"12. Former operative paragraph 3, last line: delete subject to such campaigns

"13. Former operative paragraph 4, line 1: for to achieve dissemination of read for

"14. Former operative paragraph 5, line 2: after legal system insert and in accordance with their obligations under international human rights treaties

"15. Delete former operative paragraphs 6 to 9."

70. At the same meeting, the representative of Cuba made a statement on a point of clarification (see A/C.3/45/SR.58).

71. Also at the same meeting, the representatives of Germany and Sierra Leone made statements (see A/C.3/45/SR.58).

72. At the 63rd meeting, on 5 December, the representative of Cuba introduced a revised draft resolution (A/C.3/45/L.82/Rev.2) entitled "Strengthening of United Nations action in the human rights field through the promotion of international co-operation and the importance of non-selectivity, impartiality and objectivity" and orally revised it as follows:

(a) In the seventh preambular paragraph, the word "including" was replaced with the word "especially";

(b) In the twelfth preambular paragraph, the word "including" was replaced with the word "especially";

(c) At the end of operative paragraph 1, the phrase "including respect for territorial integrity" was added;

(d) In operative paragraph 6, after the words "international co-operation" the words "as well as" were inserted;

(e) In operative paragraph 8, the word "including" was replaced with the word "especially".

73. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 109, draft resolution XIII).

74. Before the adoption of the draft resolution, the representative of Morocco made a statement.

75. In the light of the adoption of the draft resolution, the amendments contained in document A/C.3/45/L.101 were withdrawn.

76. After the adoption of the draft resolution, the representatives of the United States of America, Italy (on behalf of the European Community and its member States), New Zealand, Panama and China made statements (see A/C.3/45/SR.63).

P. Draft resolution A/C.3/45/L.83

77. At the 55th meeting, the representative of the Ukrainian Soviet Socialist Republic introduced a draft resolution (A/C.3/45/L.83) entitled "Non-discrimination and protection of minorities", which read as follows:

"The General Assembly,

"Reaffirming that one of the main purposes of the United Nations, as proclaimed in its Charter, is to achieve international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

"Inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights 1/ concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

"Mindful of the work done so far within the United Nations system, in particular by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as other regional intergovernmental forums and the bodies established pursuant to the relevant international instruments in this field,

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"1/ See resolution 2200 A (XXI), annex.

"Bearing in mind that the culture, ways of life and traditions of such minorities form an integral part of civilization and world culture, and that their identity should be protected,

"Considering that respect for the rights of persons belonging to minorities is an important factor in the realization of human rights, and in peace, justice, stability and democracy,

"Mindful also that persons belonging to minorities can exercise and enjoy their rights individually as well as in community with other members of their group, and that no disadvantage may arise for a person belonging to a minority on account of the exercise or non-exercise of any such rights,

"Convinced that questions relating to minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law with a functioning independent judiciary, since this framework is a condition for guaranteeing full respect for human rights and fundamental freedoms and equality before the law,

"Conscious of the particular importance of increasing constructive co-operation among States on questions relating to minorities aimed at facilitating mutual understanding and confidence, friendly and good-neighbourly relations, international peace, security and justice,

"Recognizing the need to ensure for all, without discrimination of any kind, full enjoyment of human rights and fundamental freedoms, and to this end to accomplish the elaboration of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities,

"Noting that commitments related to the protection of the rights of persons belonging to minorities may not be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes and principles of the Charter or other obligations under international law, including the principle of territorial integrity of States,

"1. Appeals to States to respect the right of persons belonging to national or ethnic, religious and linguistic minorities to exercise their human rights and fundamental freedoms fully and effectively, without any discrimination and in full equality with other citizens before the law, and to adopt, where necessary, special measures for this purpose;

"2. Calls upon States to take the necessary measures, in accordance with the decision-making procedure of each State, to protect the identity of national or ethnic, cultural, linguistic and religious minorities where they exist, and to maintain and where necessary to create conditions for the enjoyment of their identity without discrimination with respect to other citizens;

"3. Invites States to respect the right of persons belonging to minorities to participate effectively in public affairs, including in decisions relating to the protection of the identity of such minorities;

"4. Stresses that the guarantee and exercise of the rights of minorities will contribute to the respect of the territorial integrity of States, promote economic, social and cultural development and enhance the stability of the States in which they live;

"5. Also calls upon States to co-operate closely in finding peaceful and constructive solutions to problems related to minorities, and in so doing to act in accordance with international law and existing international agreements;

"6. Welcomes the completion by the open-ended working group within the Commission on Human Rights of the first reading of the full text of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, and encouraged the Commission to complete the final text as soon as possible and to transmit it to the General Assembly through the Economic and Social Council;

"7. Welcomes also Economic and Social Council decision 1990/238 approving the request by the Commission on Human Rights that the Secretary-General extend all possible assistance to the open-ended working group which may be needed in its further work on the draft declaration;

"8. Decides to continue its consideration of this question at its forty-sixth session under the item entitled 'Report of the Economic and Social Council'."

78. At the 58th meeting, the representative of the Ukrainian Soviet Socialist Republic made a statement, in the course of which he proposed a draft decision.

79. At the same meeting, the Committee adopted the draft decision without a vote (see para. 110, draft decision II).

Q. Draft resolution A/C.3/45/L.84

80. At the 56th meeting, on 28 November, the representative of Canada, on behalf of Australia, Brazil, Canada, Colombia, Czechoslovakia, Ecuador, Guatemala, Hungary, Mexico, New Zealand, Norway, the Philippines, Senegal, the Union of Soviet Socialist Republics, Vanuatu, and Zaire introduced a draft resolution (A/C.3/45/L.84) entitled "International Year for the World's Indigenous People". Subsequently, Bolivia and Samoa joined in sponsoring the draft resolution.

81. At its 57th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution XIV).

R. Draft resolution A/C.3/45/L.85

82. At the 56th meeting, the representative of France, on behalf of Austria, Belgium, Canada, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, France, Germany, Greece, the Netherlands, New Zealand, Norway, Portugal, Rwanda, Samoa, Senegal, Spain, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia, introduced a draft resolution (A/C.3/45/L.85) entitled "Question of enforced or involuntary disappearances". Subsequently, Chile joined in sponsoring the draft resolution.

83. At its 57th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution XV).

S. Draft resolution A/C.3/45/L.86

84. At the 56th meeting, the representative of Austria, on behalf of Argentina, Australia, Austria, Belgium, Canada, Costa Rica, Cyprus, Denmark, Finland, France, Germany, Hungary, Iceland, Italy, the Netherlands, New Zealand, Norway, the Philippines, Samoa, Senegal, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/45/L.86) entitled "Human rights in the administration of justice" and orally revised it as follows:

(a) In the sixth preambular paragraph, the words "with a view to making final recommendations" were deleted;

(b) In operative paragraph 7, after the words "Commission on Human Rights", the words "bearing in mind the work of the Committee on Crime Prevention and Control" were inserted;

(c) In operative paragraph 8 (b), the word "sample" was deleted;

(d) In operative paragraph 9, the word "sample" was deleted;

(e) At the end of operative paragraph 12, the phrase "on the basis of a report of the Secretary-General on the implementation of the present resolution" was added.

85. Subsequently, Chile and Vanuatu joined in sponsoring the draft resolution.

86. At its 57th meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 109, draft resolution XVI).

T. Draft resolution A/C.3/45/L.87

87. At the 56th meeting, the representative of Belgium, on behalf of Austria, Belgium, Brazil, Colombia, Costa Rica, Côte d'Ivoire, Ecuador, Germany, Hungary, Italy, the Netherlands, Norway, the Philippines, Samoa, Senegal, Togo, the Union of Soviet Socialist Republics and Uruguay, introduced a draft resolution

(A/C.3/45/L.87) entitled "Regional arrangements for the promotion and protection of human rights". Subsequently, Guatemala and the Ukrainian Soviet Socialist Republic joined in sponsoring the draft resolution.

88. At the 57th meeting, the representative of Belgium made a statement, in which he orally revised the draft resolution by deleting in operative paragraph 3 the words "in his report", and by inserting the word "Kiev" before the word "Manila".

89. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 109, draft resolution XVII).

U. Draft resolution A/C.3/45/L.88

90. At the 56th meeting, the representative of the Philippines, also on behalf of Australia, China, Indonesia, Samoa, Sri Lanka, Thailand and Vanuatu, introduced a draft resolution (A/C.3/45/L.88) entitled "Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region".

91. At its 57th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution XVIII).

V. Draft resolution A/C.3/45/L.89

92. At the 56th meeting, the representative of the Ukrainian Soviet Socialist Republic, also on behalf of Austria, Canada, Hungary, Mongolia, Poland and Vanuatu, introduced a draft resolution (A/C.3/45/L.89) entitled "International co-operation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms".

93. At its 57th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution XIX).

W. Draft resolution A/C.3/45/L.90

94. At the 56th meeting, the representative of Kuwait, on behalf of Argentina, Australia, Bahrain, Canada, Costa Rica, Djibouti, Egypt, El Salvador, Finland, Italy, Kuwait, Lebanon, Namibia, Oman, Pakistan, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Syrian Arab Republic, Turkey, United Arab Emirates, Vanuatu and Zimbabwe, introduced a draft resolution (A/C.3/45/L.90) entitled "The situation of human rights in occupied Kuwait". Subsequently, Botswana, Czechoslovakia, Malta, the Niger, Saint Kitts and Nevis and Samoa joined in sponsoring the draft resolution.

95. At the 60th meeting, the Chairman of the Committee made a statement (see A/C.3/45/SR.60).

96. At the same meeting, the Committee adopted the draft resolution by a recorded vote of 132 to 1, with 1 abstention (see para. 109, draft resolution XX). The voting was as follows:

In favour: Albania, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Yugoslavia, Zaire, Zimbabwe.

Against: Iraq.

Abstaining: Zambia.

97. Before the adoption of the draft resolution, the representatives of Iraq and Yemen made statements (see A/C.3/45/SR.60).

X. Draft resolution A/C.3/45/L.91

98. At the 57th meeting, the representative of Zaire, on behalf of Algeria, Angola, Bahamas, Barbados, Bolivia, Botswana, Brazil, Burkina Faso, Cameroon, Chad, China, Côte d'Ivoire, Cuba, Cyprus, Egypt, Ethiopia, Ghana, Guinea, Honduras, Kenya, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Morocco, Mozambique, Namibia, the Niger, Nigeria, Pakistan, the Philippines, Senegal, Sierra Leone, Somalia, the Sudan, Swaziland, Trinidad and Tobago, Uganda, the United Republic of Tanzania, Yugoslavia, Zaire, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/45/L.91) entitled "Assistance to student refugees in southern Africa". Subsequently, Australia, Djibouti and Malaysia joined in sponsoring the draft resolution.

99. At its 58th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution XXI).

100. After the adoption of the draft resolution, the representative of Japan made a statement.

Y. Draft resolution A/C.3/45/L.92

101. At the 57th meeting, the representative of Venezuela, also on behalf of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico, Paraguay, Peru and Uruguay, introduced a draft resolution (A/C.3/45/L.92) entitled "Situation of human rights and fundamental freedoms in El Salvador". Subsequently, France, Greece and Spain joined in sponsoring the draft resolution.

102. At the 58th meeting, the representative of Venezuela made a statement and orally revised the draft resolution as follows:

(a) In the fifth preambular paragraph, after the words "escalation of violence" the words "initiated by the Frente Farabundo Martí para la Liberación Nacional" were inserted;

(b) In operative paragraph 10, after the words "Human Rights resolution 1990/77" the words "of 7 March 1990" were inserted;

(c) In operative paragraph 11, the word "evaluation" was replaced with the word "evolution".

103. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 109, draft resolution XXII).

104. After the adoption of the draft resolution, the representatives of Norway (also on behalf of Denmark and Sweden), the Netherlands and Ireland made statements.

Z. Draft resolution A/C.3/45/L.93/Rev.1

105. At the 62nd meeting, on 4 December, the representative of Austria, also on behalf of Australia, Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Samoa, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution (A/C.3/45/L.93/Rev.1) entitled "Situation of human rights in the Islamic Republic of Iran" and orally revised it as follows: in the fifth preambular paragraph, after the words "which have provided", the words "important and" were deleted; and after the words "useful information", the word "concerning" was replaced with the words "and clarified".

106. At the same meeting, the Committee adopted the draft resolution, as further orally revised (see para. 109, draft resolution XXIII).

AA. Draft resolution A/C.3/45/L.94

107. At the 57th meeting, the Committee had before it a draft resolution (A/C.3/45/L.94) entitled "Situation of human rights in Afghanistan" submitted by the Chairman of the Committee, on the basis of informal consultations.

108. At its 58th meeting, the Committee adopted the draft resolution without a vote (see para. 109, draft resolution XXIV).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

109. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Status of the Convention on the Prevention and Punishment of the Crime of Genocide

The General Assembly,

Recalling its resolutions 40/142 of 13 December 1985, 41/147 of 4 December 1986, 42/133 of 7 December 1987, 43/138 of 8 December 1988 and 44/158 of 15 December 1989,

Recalling also Commission on Human Rights resolutions 1986/18 of 10 March 1986, 1987/25 of 10 March 1987, 1988/28 of 7 March 1988, 1989/16 of 2 March 1989 and 1990/19 of 23 February 1990,

Recalling further its resolution 260 A (III) of 9 December 1948, by which it approved and proposed for signature the Convention on the Prevention and Punishment of the Crime of Genocide annexed thereto,

Reaffirming once again its conviction that genocide is a crime which violates the norms of international law and runs counter to the spirit and aims of the United Nations,

Recognizing that crimes of genocide have caused great losses and privations to mankind throughout its history,

Expressing its conviction that strict observance of the provisions of the Convention by all countries is necessary for the prevention and punishment of the crime of genocide,

Taking note of the report of the Secretary-General, 3/

1. Once again strongly condemns the crime of genocide;

2. Reaffirms the necessity of international co-operation in order to liberate mankind from such an odious crime;

3. Notes with satisfaction that more than one hundred States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or have acceded thereto;

3/ A/45/404.

4. Urges those States which have not yet become parties to the Convention to ratify it or accede thereto without further delay;

5. Invites the Secretary-General to submit to the General Assembly at its forty-seventh session a report on the status of the Convention.

DRAFT RESOLUTION II

Human rights and mass exoduses

The General Assembly,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons, as indicated in the study of the Special Rapporteur of the Commission on Human Rights on this subject 4/ and also in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, 5/

Aware of the recommendations concerning mass exoduses made by the Commission on Human Rights to its Sub-Commission on Prevention of Discrimination and Protection of Minorities and to special rapporteurs to be taken into account when studying violations of human rights in any part of the world,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own and upon the international community as a whole, by these sudden mass exoduses and displacements of population,

Stressing the need for international co-operation aimed at averting new massive flows of refugees while providing durable solutions to actual refugee situations,

Reaffirming its resolution 41/70 of 3 December 1986, in which it endorsed the conclusions and recommendations contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees,

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4/ E/CN.4/1503.

5/ A/41/324, annex.

Recalling its resolution 44/164 of 15 December 1989 and Commission on Human Rights resolution 1990/52 of 6 March 1990, 6/ as well as all previous relevant resolutions of the General Assembly and the Commission on Human Rights,

Welcoming the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes,

Noting that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between observance of human rights standards, refugee movements and problems of protection,

1. Endorses the recommendations of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees that the principal organs of the United Nations should make fuller use of their respective competences under the Charter of the United Nations for the prevention of new massive flows of refugees and displaced persons;

2. Again invites all Governments and intergovernmental and humanitarian organizations concerned to intensify their co-operation and assistance in world-wide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses;

3. Requests all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as this would contribute to averting new massive flows of refugees and displaced persons;

4. Invites the Commission on Human Rights to keep the question of human rights and mass exoduses under review with a view to supporting the early-warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons;

5. Takes note of the establishment by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees of the Working Group on Solutions and Protection;

6. Also takes note of the report of the Secretary-General on human rights and mass exoduses, 7/ and invites him to inform the General Assembly in future reports on the modalities of early-warning activities to avert new and massive flows of refugess;

6/ See Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

7/ A/45/607.

7. Welcomes the report of the Joint Inspection Unit entitled "The co-ordination of activities related to early warning of possible refugee flows"; 8/

8. Specially encourages the Secretary-General to continue to discharge the task described in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, including the continuous monitoring of all potential outflows, keeping in mind the recommendations of the Joint Inspection Unit;

9. Requests the Secretary-General to intensify his efforts to develop the role of the Office for Research and the Collection of Information of the Secretariat as a focal point for the operation of an effective early-warning system and the strengthening of co-ordination of information-gathering and analysis among United Nations agencies with a view to preventing new massive flows of refugees and displaced persons;

10. Urges the Secretary-General to allocate the necessary resources to consolidate and strengthen the system for undertaking early-warning activities in the humanitarian area by, inter alia, the computerization of the Office for Research and the Collection of Information and strengthened co-ordination among the relevant parts of the United Nations system, especially the Office for Research and the Collection of Information, as well as the Office of the United Nations High Commissioner for Refugees, the Centre for Human Rights of the Secretariat and the relevant specialized agencies;

11. Also requests the Secretary-General to make the necessary information available to the competent United Nations organs, bearing in mind the recommendations of the Joint Inspection Unit;

12. Invites bodies of the United Nations system to consider the most expedient ways and means of following up the recommendations of the Joint Inspection Unit on co-ordination;

13. Requests the Secretary-General to report to the General Assembly at its forty-sixth session on the strengthened role that he is playing in undertaking early-warning activities, especially in the humanitarian area, as well as on any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on international Co-operation to Avert New Flows of Refugees;

14. Invites the Secretary-General to keep the General Assembly informed of the efforts to follow up recommendations of the Joint Inspection Unit;

15. Decides to continue consideration of the question of human rights and mass exoduses at its forty-sixth session.

8/ A/45/649, annex.

DRAFT RESOLUTION III

Assistance to refugees in Somalia

The General Assembly,

Recalling its resolutions 35/180 of 15 December 1980, 36/153 of 16 December 1981, 37/174 of 17 December 1982, 38/88 of 16 December 1983, 39/104 of 14 November 1984, 40/132 of 13 December 1985, 41/138 of 4 December 1986, 42/127 of 7 December 1987, 43/147 of 8 December 1988 and 44/152 of 15 December 1989 on the question of assistance to refugees in Somalia,

Having considered the report of the Secretary-General on assistance to refugees in Somalia, 9/

Deeply concerned about the heavy burden that has been placed on the fragile economy of Somalia by the continuing presence of large numbers of refugees,

Noting with concern the decision taken by the Office of the United Nations High Commissioner for Refugees and the World Food Programme to suspend temporarily their food and other humanitarian assistance programmes for refugees in the north-west districts of Somalia, and the resultant food shortages that have occurred in the refugee settlements following the termination of the Interim Emergency Programme,

Considering the urgent need to reactivate the Interim Emergency Programme to alleviate hardship and human suffering of refugees in the affected north-west districts of Somalia,

Conscious of the fact that Somalia, as a least developed country, does not possess the economic or financial capacity to fill the gap created by the temporary suspension of humanitarian assistance programmes for refugees in the north-west districts of Somalia,

Aware of the fact that Somalia, as a least developed country, does not have the capacity to provide humanitarian assistance from its limited resources,

Noting with concern the deleterious effect of the presence of refugees on the environment, which has resulted in widespread deforestation, soil erosion and the threat of destruction to an already fragile ecological balance,

1. Takes note of the report of the Secretary-General;

2. Commends the measures that the Government of Somalia is taking to provide material and humanitarian assistance to refugees, in spite of its own limited resources and fragile economy;

9/ A/45/508.

3. Expresses its appreciation to the Secretary-General, the United Nations High Commissioner for Refugees, donor countries and intergovernmental and non-governmental organizations for their efforts to assist the refugees in Somalia;

4. Calls upon the Office of the United Nations High Commissioner for Refugees and the World Food Programme to resume their assistance programmes for the refugees in the north-west districts of Somalia as soon as possible;

5. Requests the Secretary-General, in close co-operation with the Office of the United Nations High Commissioner for Refugees, the World Food Programme and the donor community, to resume the Interim Assistance Programme so as to ensure that essential food aid and other humanitarian supplies continue to reach the refugee settlements in the north-west districts of Somalia until such time as a more permanent arrangement can be made;

6. Appeals once again to Member States, international organizations and voluntary agencies to give full support to the Secretary-General in the implementation of the Interim Assistance Programme;

7. Reiterates its appeal to Member States, international organizations and voluntary agencies to render maximum and timely material, financial and technical assistance to enable the Government of Somalia to implement the projects and activities identified in the report of the 1987 inter-agency mission annexed to the report of the Secretary-General 10/ as the basis for a comprehensive programme of action combining both humanitarian and developmental needs related to refugees;

8. Requests the pertinent organizations of the United Nations system, namely the Food and Agriculture Organization of the United Nations, the International Labour Organisation, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, as well as the United Nations Environment Programme and the World Food Programme, to prepare, in consultation with the Government of Somalia, detailed project documentation for the implementation of those projects and activities identified in the report of the Secretary-General 11/ as priority endeavours for a comprehensive programme of action;

9. Calls upon the United Nations Development Programme, the United Nations Environment Programme, the United Nations Sudano-Sahelian Office and the Food and Agriculture Organization of the United Nations to continue and expand their activities in Somalia, in co-operation with the Government of Somalia, and to protect and rehabilitate its damaged environment;

10. Recognizes the important role that the non-governmental organizations are playing with regard to programmes for the care, maintenance and rehabilitation of

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10/ A/42/645.

11/ Ibid., paras. 55-66.

refugees, particularly in activities related to small-scale development projects, and in the field of health and agriculture;

11. Requests the United Nations High Commissioner for Refugees and the Administrator of the United Nations Development Programme to apprise the Economic and Social Council, at its second regular session of 1991, of the progress made in their respective fields of responsibility with regard to those provisions of the present resolution which concern them;

12. Requests the Secretary-General, in consultation with the United Nations High Commissioner and the United Nations Development Programme, to submit a report to the General Assembly at its forty-sixth session on the progress achieved in the implementation of the present resolution.

DRAFT RESOLUTION IV

Developments relating to the activities of the Centre for Human Rights

The General Assembly,

Recalling its resolution 44/135 of 15 December 1989,

Bearing in mind Commission on Human Rights resolutions 1989/46 of 6 March 1989 12/ and 1990/25 of 27 February 1990, 13/ as well as Economic and Social Council resolution 1990/47 of 25 May 1990,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic aims of the United Nations according to the Charter of the United Nations and an issue of the utmost importance for the Organization,

Recognizing that the work-load of the Centre for Human Rights of the Secretariat has increased rapidly in recent years, while resources have failed to keep pace with the increase in its responsibilities, 14/

Noting that the difficult financial situation during the biennium 1990-1991 created considerable obstacles to implementing the various procedures and mechanisms, negatively influenced the servicing by the Secretariat of the bodies concerned and impaired the quality and precision of the reporting,

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12/ See Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

13/ Ibid., 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

14/ See E/1990/50.

Having considered the report of the Secretary-General 15/ and noting that in spite of the recognition that the responsibilities of the Centre for Human Rights have increased rapidly in recent years, the only specific proposal made in the report as an interim solution for 1991 to the problems posed by the resource situation of the Centre, as requested by the Economic and Social Council in its resolution 1990/47, is the reference to voluntary donations,

1. Requests the Secretary-General to act promptly to respond to the needs of the Centre for Human Rights of the Secretariat and to make additional specific proposals as interim solutions to these problems for the current biennium, in particular indicating the human resources required for the Centre to carry out its functions adequately, together with the related administrative and budgetary implications, to the General Assembly at its present session, not later than 10 December 1990, so that the budgetary process can be completed by the end of the current session;

2. Requests the Secretary-General, in conformity with his commitment 16/ to include in the proposed programme budget for the biennium 1992-1993 programme and resource proposals for long-term solutions to the problems posed by this situation, responding to the needs of the Centre for Human Rights and commensurate with its work-load, taking also into account the need to respond to the requests for advisory services and technical assistance, primarily from developing countries, the proposals contained in the report of the Task Force on Computerization, 17/ as well as in the study carried out by an independent expert on the effective implementation of international instruments on human rights; 18/

3. Requests the Secretary-General to submit an interim report to the Commission on Human Rights at its forty-seventh session and a final report to the General Assembly at its forty-sixth session on the implementation of the present resolution under the item entitled "Report of the Economic and Social Council".

DRAFT RESOLUTION V

World Conference on Human Rights

The General Assembly,

Mindful of the goal of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex,

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15/ A/45/807.

16/ E/1990/50, para. 59.

17/ E/CN.4/1990/39.

18/ A/44/668, annex.

language or religion, as set out in the Charter of the United Nations and the Universal Declaration of Human Rights, 19/

Recognizing that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of another,

Bearing in mind that all Member States have pledged themselves to achieve the promotion of universal respect for and observance of human rights and fundamental freedoms in conformity with relevant articles of the Charter,

Noting the progress made by the United Nations towards this goal and the fact that there are areas in which further progress should be made,

Noting also that violations of human rights and fundamental freedoms continue to occur,

Considering that, in view of the progress made, the problems that remain and the new challenges that lie ahead, it would be appropriate to conduct a review of what has been accomplished through the human rights programme and what remains to be done,

Recalling its resolution 44/156 of 15 December 1989, in which it requested the Secretary-General to seek the views of Governments, specialized agencies, non-governmental organizations and United Nations bodies concerned with human rights on the desirability of convening a world conference on human rights for the purpose of dealing at the highest level with the crucial questions facing the United Nations in connection with the promotion and protection of human rights,

Taking note of the report of the Secretary-General containing those views, 20/

Noting the expression of support for the convening of a world conference on human rights from many Governments, specialized agencies and United Nations bodies concerned with human rights and from non-governmental organizations,

Noting also the many views concerning the importance of thorough advance preparation for the success of the conference,

Convinced that the holding of a world conference on human rights could make a significant contribution to the effectiveness of the actions of the United Nations and its Member States in the promotion and protection of human rights,

1. Decides to convene at a high level a World Conference on Human Rights in 1993 with the following objectives:

19/ Resolution 217 A (III).

20/ A/45/564.

(a) To review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles and ways in which they can be overcome to further progress in this area;

(b) To examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights;

(c) To examine ways and means to improve implementation of existing human rights standards and instruments;

(d) To evaluate the effectiveness of the methods and mechanisms used by the United Nations in the field of human rights;

(e) To formulate concrete recommendations for improving the effectiveness of United Nations activities and mechanisms in the field of human rights through programmes aimed at promoting, encouraging and monitoring respect for human rights and fundamental freedoms;

(f) To make recommendations for ensuring the necessary financial and other resources for the United Nations activities in the promotion and protection of human rights and fundamental freedoms;

2. Decides to establish a Preparatory Committee for the World Conference on Human Rights, which shall be open to all States Members of the United Nations or members of the specialized agencies, with the participation of obervers, in accordance with the established practice of the General Assembly;

3. Also decides that the Preparatory Committee should have the mandate to make proposals for the consideration of the General Assembly regarding the agenda, date, duration, venue of and participation at the Conference, the preparatory meetings and activities at the international, regional and national levels, which should take place in 1992, and on the desirable studies and other documentation;

4. Further decides that the Preparatory Committee, at its first session, shall elect a five-member bureau composed of a chairman, three vice-chairmen and a rapporteur, with due regard to equitable geographic representation;

5. Instructs the Preparatory Committee to deal with the substantive preparation of the Conference in accordance with the goals and objectives of the Conference as set out in paragraph 1 above and bearing in mind the recommendations of the Commission on Human Rights at its forty-seventh session;

6. Decides that the Preparatory Committee shall hold a five-day session at Geneva in September 1991;

7. Also decides, in accordance with its resolution 42/211 of 21 December 1987 and without prejudice to the overall level of resources adopted by the General Assembly for the biennium 1990-1991 and the agreed proposed programme budget outline for the biennium 1992-1993, that the preparatory process and the Conference itself should be funded through the regular budget of the United Nations, without any implications for the programmes provided for under section 23 of the programme budget, and invites contributions of extrabudgetary resources to meet, inter alia, the cost of participation of representatives of least developed countries in the preparatory meetings and the Conference itself;

8. Requests the Commission on Human Rights to make recommendations to the Preparatory Committee on the above issues during those sessions that will take place prior to the Conference;

9. Encourages the Chairman of the Commission on Human Rights, the chairmen or other designated members of human rights expert bodies as well as special and thematic rapporteurs and chairmen or designated members of working groups to take part in the work of the Preparatory Committee;

10. Requests Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations and non-governmental organizations concerned with human rights to assist the Preparatory Committee and to undertake reviews and submit recommendations on the Conference and its preparation to the Preparatory Committee through the Secretary-General and to participate actively in the Conference;

11. Requests the Secretary-General to submit to the Preparatory Committee a report on the contributions that will be made pursuant to paragraphs 9 and 10 above;

12. Also requests the Secretary-General to appoint a Secretary-General for the Conference from within the Secretariat and to provide the Preparatory Committee with all necessary assistance;

13. Requests the Preparatory Committee to report to the General Assembly at its forty-sixth and forty-seventh sessions on the progress of work of the Committee.

DRAFT RESOLUTION VI

Assistance to voluntary returnees and displaced persons in Chad

The General Assembly,

Recalling its resolution 44/153 of 15 December 1989 on assistance to voluntary returnees and displaced persons in Chad, as well as all its previous resolutions on this question,

Taking note of the report of the Secretary-General, 21/

Deeply concerned about the persistence of the natural disasters that are compounding the already precarious food situation in Chad,

Considering that the large number of voluntary returnees poses serious social and economic problems for the Government of Chad,

Bearing in mind the many appeals made by the Government of Chad for international assistance to the voluntary returnees and displaced persons in Chad,

1. Endorses the appeals made by the Government of Chad for humanitarian assistance to the voluntary returnees and displaced persons in Chad;

2. Notes with satisfaction the action taken by the various organizations of the United Nations system and the specialized agencies with a view to mobilizing humanitarian assistance to the voluntary returnees and displaced persons in Chad;

3. Reiterates its appeal to all States and intergovernmental and non-governmental organizations to provide the necessary assistance to the Government of Chad in the implementation of programmes for the repatriation and resettlement of returnees and displaced persons;

4. Requests the Secretary-General to mobilize food aid for the persons displaced as a result of natural disasters;

5. Again requests the United Nations High Commissioner for Refugees and the United Nations Disaster Relief Co-ordinator to mobilize humanitarian assistance to the voluntary returnees and displaced persons in Chad;

6. Calls upon the Secretary-General, in co-operation with the United Nations High Commissioner for Refugees and the United Nations Disaster Relief Co-ordinator, to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

21/ A/45/651.

DRAFT RESOLUTION VII

Humanitarian assistance to refugees and displaced persons in Djibouti

The General Assembly,

Recalling its resolution 44/150 of 15 December 1989 on humanitarian assistance to refugees in Djibouti as well as all its previous resolutions on this question,

Having considered the report of the Secretary-General on humanitarian assistance to refugees in Djibouti, 22/

Deeply concerned about the recent inflow of over fifty thousand externally displaced persons, which has added considerably to the burden already being carried by Djibouti in respect of refugees in the country,

Noting that Djibouti is considered one of the least developed countries and that the recent inflow of large numbers of externally displaced persons and the continued presence of refugees have severely strained the already inadequate social and economic infrastructure,

Noting also that the situation thus created has resulted in the dispersal of the country's scarce resources and their diversion from economic development to emergency relief and precautionary measures,

Appreciating the determined and sustained efforts made by the Government of Djibouti to cope with the growing needs of refugees and externally displaced persons,

Noting with appreciation the steps taken by the Government of Djibouti, in close co-operation with the United Nations High Commissioner for Refugees, to implement appropriate and lasting solutions with respect to the refugees and externally displaced persons in Djibouti,

Also noting with appreciation that over seven thousand refugees have already been settled and integrated in Djibouti, despite the physical, social and material obstacles that the country faces,

Appreciating the assistance provided by Member States, the specialized agencies, intergovernmental and non-governmental organizations and voluntary agencies to relief and rehabilitation programmes for refugees and externally displaced persons,

1. Takes note of the report of the Secretary-General on humanitarian assistance to refugees in Djibouti and appreciates the efforts of the United Nations High Commissioner for Refugees to keep the situation under constant review;

22/ A/45/445.

2. Welcomes the steps taken by the Government of Djibouti, in close co-operation with the High Commissioner, to implement appropriate and lasting solutions with respect to the refugees and externally displaced persons in Djibouti;

3. Expresses its appreciation to Member States, the specialized agencies, intergovernmental and non-governmental organizations and voluntary agencies for their assistance to the relief and rehabilitation programmes for the refugees and externally displaced persons in Djibouti;

4. Urges the High Commissioner to intensify his efforts to mobilize, on an emergency basis, the resources necessary to implement lasting solutions with respect to the refugees in Djibouti and the increasing inflow of externally displaced persons;

5. Calls upon all Member States, the specialized agencies and other organizations of the United Nations system, and governmental and non-governmental organizations to continue to support the determined and sustained efforts made by the Government of Djibouti to cope with the urgent needs of refugees and externally displaced persons and to implement lasting solutions as regards their situation;

6. Requests the Secretary-General to report to the General Assembly at its forty-sixth session, through the Economic and Social Council, on the implementation of the present resolution.

DRAFT RESOLUTION VIII

Draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards set forth in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 23/ the International Covenants on Human Rights, 24/ the International Convention on the Elimination of All Forms of Racial Discrimination 25/ and the Convention on the Elimination of All Forms of Discrimination against Women, 26/

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out

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23/ Resolution 217 A (III).

24/ Resolution 2200 A (XXI), annex.

25/ Resolution 2106 A (XX), annex.

26/ Resolution 34/180, annex.

in connection with migrant workers and their families in other specialized agencies and in various organs of the United Nations,

Reiterating that in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling its resolution 34/172 of 17 December 1979, in which it decided to establish a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also its resolutions 35/198 of 15 December 1980, 36/160 of 16 December 1981, 37/170 of 17 December 1982, 38/86 of 16 December 1983, 39/102 of 14 December 1984, 40/130 of 13 December 1985, 41/151 of 4 December 1986, 42/140 of 7 December 1987, 43/146 of 8 December 1988 and 44/155 of 15 December 1989, by which it renewed the mandate of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and requested it to continue its work,

Having examined the report of the Working Group on its ninth inter-sessional meeting, held from 29 May to 8 June 1990, 27/ with a view to completing the remaining articles and considering the results of the technical review of the draft Convention entrusted to the Centre for Human Rights of the Secretariat in accordance with resolution 44/155,

Bearing in mind that the Working Group was able to achieve its goals in accordance with the mandate entrusted to it by the General Assembly,

1. Expresses its appreciation to the Working Group for having concluded the elaboration of the draft of an International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

2. Adopts and opens for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the present resolution;

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will come into force at an early date;

4. Requests the Secretary-General to provide all facilities and assistance necessary for the dissemination of information on the Convention;

27/ A/C.3/45/1.

5. Invites United Nations agencies and organizations, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and to promoting understanding thereof;

6. Requests the Secretary-General to submit to the General Assembly at its forty-sixth session a report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its forty-sixth session under an item entitled "Implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families".

ANNEX

Draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Preamble

The States Parties to the present Convention,

Taking into account the principles embodied in the basic instruments of the United Nations concerning human rights, in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Taking into account also the principles and standards set forth in the relevant instruments elaborated within the framework of the International Labour Organisation, especially the Conventions concerning Migration for Employment (No. 97) and Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143), the Recommendations concerning Migration for Employment (No. 86) and Migrant Workers (No. 151), and the Conventions concerning Forced Labour (No. 29) and the Abolition of Forced Labour (No. 105),

Reaffirming the importance of the principles contained in the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Code of Conduct for Law Enforcement Officials, and the Slavery Conventions,

Recalling also that one of the objectives of the International Labour Organisation, as stated in its Constitution, is the protection of the interests of workers when employed in countries other than their own, as well as the expertise and experience of the said Organisation in matters related to migrant workers and members of their families,

Recognizing the importance of the work carried out in connection with migrant workers and members of their families in various organs of the United Nations system, in particular in the Commission on Human Rights and the Commission for Social Development, and in the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization and in other international organizations,

Recognizing also the progress made by certain States on a regional or bilateral basis towards the protection of the rights of migrant workers and members of their families as well as the importance and usefulness of bilateral and multilateral agreements in this field,

Realizing the importance and extent of the migration phenomenon, which involves millions of people and affects a large number of States in the international community,

Aware of the impact of the flows of migrant workers on States and people concerned, and desiring to establish norms which may contribute to harmonize the attitudes of States through the acceptance of basic principles concerning the treatment of migrant workers and members of their families,

Considering the situation of vulnerability in which migrant workers and members of their families frequently find themselves owing, among other things, to their absence from the State of origin and to the difficulties they may encounter arising from their presence in the State of employment,

Convinced that the rights of migrant workers and members of their families have not been sufficiently recognized everywhere and therefore require appropriate international protection,

Taking into account the fact that migration is often the cause of serious problems for the members of the families of migrant workers as well as for the workers themselves, in particular because of the scattering of the family,

Bearing in mind that the human problems involved in migration are even more serious in the case of irregular migration and convinced therefore that appropriate action should be encouraged in order to prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental human rights,

Considering that workers who are non-documented or in an irregular situation are frequently employed under less favourable conditions of work than other workers and that certain employers find this an inducement to seek such labour in order to reap the benefits of unfair competition,

Considering also that recourse to the employment of migrant workers who are in an irregular situation will be discouraged if the fundamental human rights of all migrant workers are more widely recognized and, moreover, that granting certain additional rights to migrant workers and members of their families in a regular situation will encourage all migrants and employers to respect and comply with the laws and procedures established by the States concerned,

Convinced therefore of the need to bring about the international protection of the rights of all migrant workers and members of their families, reaffirming and establishing basic norms in a comprehensive convention which could be applied universally,

Have agreed on the following articles:

PART I

Scope and definitions

Article 1

1. The present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

2. The present Convention shall apply during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence.

Article 2

For the purposes of the present Convention:

1. The term "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

2. (a) The term "frontier worker" refers to a migrant worker who retains his or her habitual residence in a neighbouring State to which he or she normally returns every day or at least once a week;

(b) The term "seasonal worker" refers to a migrant worker whose work by its character is dependent on seasonal conditions and is performed only during part of the year;

(c) The term "seafarer", which includes a fisherman, refers to a migrant worker employed on board a vessel registered in a State of which he or she is not a national;

(d) The term "worker on an offshore installation" refers to a migrant worker employed on an offshore installation that is under the jurisdiction of a State of which he or she is not a national;

(e) The term "itinerant worker" refers to a migrant worker who, having his or her habitual residence in one State, has to travel to another State or States for short periods, owing to the nature of his or her occupation;

(f) The term "project-tied worker" refers to a migrant worker admitted to a State of employment for a defined period to work solely on a specific project being carried out in that State by his or her employer;

(g) The term "specified-employment worker" refers to a migrant worker:

(i) Who has been sent by his or her employer for a restricted and defined period of time to a State of employment to undertake a specific assignment or duty; or

(ii) Who engages for a restricted and defined period of time in work that requires professional, commercial, technical or other highly specialized skill; or

(iii) Who, upon the request of his or her employer in the State of employment, engages for a restricted and defined period of time in work whose nature is transitory or brief;

and who is required to depart from the State of employment either at the expiration of his or her authorized period of stay, or earlier if he or she no longer undertakes that specific assignment or duty or engages in that work;

(h) The term "self-employed worker" refers to a migrant worker who is engaged in a remunerated activity otherwise than under a contract of employment and who earns his or her living through this activity normally working alone or together with members of her or her family, and to any other migrant worker recognized as self-employed by applicable legislation of the State of employment or bilateral or multilateral agreements.

Article 3

The present Convention shall not apply to:

(a) Persons sent or employed by international organizations and agencies or persons sent or employed by a State outside its territory to perform official functions, whose admission and status are regulated by general international law or by specific international agreements or conventions;

(b) Persons sent or employed by a State or on its behalf outside its territory who participate in development programmes and other co-operation programmes, whose admission and status are regulated by agreement with the State of employment and who, in accordance with that agreement, are not considered migrant workers;

(c) Persons taking up residence in a State different from their State of origin as investors;

(d) Refugees and stateless persons, unless such application is provided for in the relevant national legislation of, or international instruments in force for, the State Party concerned;

(e) Students and trainees;

(f) Seafarers and workers on an offshore installation who have not been admitted to take up residence and engage in a remunerated activity in the State of employment.

Article 4

For the purposes of the present Convention the term "members of the family" refers to persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned.

Article 5

For the purposes of the present Convention, migrant workers and members of their families:

(a) Are considered as documented or in a regular situation if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a Party;

(b) Are considered as non-documented or in an irregular situation if they do not comply with the conditions provided for in subparagraph (a) of this article.

Article 6

For the purposes of the present Convention:

(a) The term "State of origin" means the State of which the person concerned is a national;

(b) The term "State of employment" means a State where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity, as the case may be;

(c) The term "State of transit" means any State through which the person concerned passes on any journey to the State of employment or from the State of employment to the State of origin or the State of habitual residence.

PART II

Non-discrimination with respect to rights

Article 7

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

PART III

Human rights of all migrant workers and members of their families

Article 8

1. Migrant workers and members of their families shall be free to leave any State, including their State of origin. This right shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in this Part of the Convention.

2. Migrant workers and members of their families shall have the right at any time to enter and remain in their State of origin.

Article 9

The right to life of migrant workers and members of their families shall be protected by law.

Article 10

No migrant worker or member of his or her family shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 11

1. No migrant worker or member of his or her family shall be held in slavery or servitude.

2. No migrant worker or member of his or her family shall be required to perform forced or compulsory labour.

3. Paragraph 2 of this article shall not be held to preclude, in States where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court.

4. For the purpose of this article the term "forced or compulsory labour" shall not include:

(a) Any work or service not referred to in paragraph 3 of this article normally required of a person who is under detention in consequence of a lawful order of a court or of a person during conditional release from such detention;

(b) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(c) Any work or service that forms part of normal civil obligations so far as it is imposed also on citizens of the State concerned.

Article 12

1. Migrant workers and members of their families shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of their choice and freedom either individually or in community with others and in public or private to manifest their religion or belief in worship, observance, practice and teaching.

2. Migrant workers and members of their families shall not be subject to coercion that would impair their freedom to have or to adopt a religion or belief of their choice.

3. Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

4. States Parties to the present Convention undertake to have respect for the liberty of parents, at least one of whom is a migrant worker, and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 13

1. Migrant workers and members of their families shall have the right to hold opinions without interference.

2. Migrant workers and members of their families shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputation of others;

(b) For the protection of the national security of the States concerned or of public order (ordre public) or of public health or morals;

(c) For the purpose of preventing any propaganda for war;

(d) For the purpose of preventing any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

Article 14

No migrant worker or member of his or her family shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, correspondence or other communications, or to unlawful attacks on his or her honour and reputation. Each migrant worker and member of his or her family shall have the right to the protection of the law against such interference or attacks.

Article 15

No migrant worker or member of his or her family shall be arbitrarily deprived of property, whether owned individually or in association with others. Where, under the legislation in force in the State of employment, the assets of a migrant worker or a member of his or her family are expropriated in whole or in part, the person concerned shall have the right to fair and adequate compensation.

Article 16

1. Migrant workers and members of their families shall have the right to liberty and security of person.

2. Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions.

3. Any verification by law enforcement officials of the identity of migrant workers or members of their families shall be carried out in accordance with procedures established by law.

4. Migrant workers and members of their families shall not be subjected individually or collectively to arbitrary arrest or detention; they shall not be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.

5. Migrant workers and members of their families who are arrested shall be informed at the time of arrest as far as possible in a language they understand of the reasons for their arrest and they shall be promptly informed in a language they understand of any charges against them.

6. Migrant workers and members of their families who are arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that while awaiting trial they shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings and, should the occasion arise, for the execution of the judgement.

7. When a migrant worker or a member of his or her family is arrested or committed to prison or custody pending trial or is detained in any other manner:

(a) The consular or diplomatic authorities of his or her State of origin or of a State representing the interests of that State shall, if he or she so requests, be informed without delay of his or her arrest or detention and of the reasons therefor;

(b) The person concerned shall have the right to communicate with the said authorities. Any communication by the person concerned to the said authorities shall be forwarded without delay, and he or she shall also have the right to receive communications sent by the said authorities without delay;

(c) The person concerned shall be informed without delay of this right and of rights deriving from relevant treaties, if any, applicable between the States concerned, to correspond and to meet with representatives of the said authorities and to make arrangements with them for his or her legal representation.

8. Migrant workers and members of their families who are deprived of their liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of their detention and order their release if the detention is not lawful. When they attend such proceedings, they shall have the assistance, if necessary without cost to them, of an interpreter, if they cannot understand or speak the language used.

9. Migrant workers and members of their families who have been victims of unlawful arrest or detention shall have an enforceable right to compensation.

Article 17

1. Migrant workers and members of their families who are deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person and for their cultural identity.

2. Accused migrant workers and members of their families shall, save in exceptional circumstances, be separated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. Any migrant worker or a member of his or her family who is detained in a State of transit or in a State of employment for violation of provisions relating to migration, shall be held, in so far as practicable, separately from convicted persons or persons detained pending trial.

4. During any period of imprisonment in pursuance of a sentence imposed by a court of law, the essential aim of the treatment of a migrant worker or a member of his or her family shall be his or her reformation and social rehabilitation. Juvenile offenders shall be separated from adults and be accorded treatment appropriate to their age and legal status.

5. During detention or imprisonment, migrant workers and members of their families shall enjoy the same rights as nationals to visits by members of their families.

6. Whenever a migrant worker is deprived of his or her liberty, the competent authorities of the State concerned shall pay attention to the problems that may be posed for members of his or her family, in particular for spouses and minor children.

7. Migrant workers and members of their families who are subjected to any form of detention or imprisonment in accordance with the law in force in the State of employment or in the State of transit shall enjoy the same rights as nationals of those States who are in the same situation.

8. If a migrant worker or a member of his or her family is detained for the purpose of verifying any infraction of provisions related to migration, he or she shall not bear any costs arising therefrom.

Article 18

1. Migrant workers and members of their families shall have the right to equality with nationals of the State concerned before the courts and tribunals. In the determination of any criminal charge against them or of their rights and obligations in a suit of law, they shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

2. Migrant workers and members of their families who are charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law.

3. In the determination of any criminal charge against them, migrant workers and members of their families shall be entitled to the following minimum guarantees:

(a) To be informed promptly and in detail in a language they understand of the nature and cause of the charge against them;

(b) To have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing;

(c) To be tried without undue delay;

(d) To be tried in their presence and to defend themselves in person or through legal assistance of their own choosing; to be informed, if they do not have legal assistance, of this right; and to have legal assistance assigned to them, in any case where the interests of justice so require and without payment by them in any such case if they do not have sufficient means to pay for it;

(e) To examine or have examined the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;

(f) To have the free assistance of an interpreter if they cannot understand or speak the language used in court;

(g) Not to be compelled to testify against themselves or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Migrant workers and members of their families convicted of a crime shall have the right to their conviction and sentence being reviewed by a higher tribunal according to law.

6. When a migrant worker or member of his or her family has, by a final decision, been convicted of a criminal offence and when subsequently his or her conviction has been reversed or he or she has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to that person.

7. No migrant worker or member of his or her family shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted in accordance with the law and penal procedure of the State concerned.

Article 19

1. No migrant worker or member of his or her family shall be held guilty of any criminal offence on account of any act or omission that did not constitute a criminal offence under national or international law at the time when the criminal offence was committed, nor shall a heavier penalty be imposed than the one that was applicable at the time when it was committed. If, subsequent to the commission of

the offence, provision is made by law for the imposition of a lighter penalty, he or she shall benefit thereby.

2. Humanitarian considerations related to the status of a migrant worker, in particular with respect to his or her right of residence or work, should be taken into account in imposing a sentence for a criminal offence committed by a migrant worker or a member of his or her family.

Article 20

1. No migrant worker or member of his or her family shall be imprisoned merely on the ground of failure to fulfil a contractual obligation.

2. No migrant worker or member of his or her family shall be deprived of his or her authorization of residence or work permit or expelled merely on the ground of failure to fulfil an obligation arising out of a work contract unless fulfilment of that obligation constitutes a condition for such authorization or permit.

Article 21

It shall be unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits. No authorized confiscation of such documents shall take place without delivery of a detailed receipt. In no case shall it be permitted to destroy the passport or equivalent document of a migrant worker or a member of his or her family.

Article 22

1. Migrant workers and members of their families shall not be subject to measures of collective expulsion. Each case of expulsion shall be examined and decided individually.

2. Migrant workers and members of their families may be expelled from the territory of a State Party only in pursuance of a decision taken by the competent authority in accordance with law.

3. The decision shall be communicated to them in a language they understand. Upon their request where not otherwise mandatory, the decision shall be communicated to them in writing and, save in exceptional circumstances on account of national security, the reasons for the decision likewise stated. The persons concerned shall be informed of these rights before or at the latest at the time the decision is rendered.

4. Except where a final decision is pronounced by a judicial authority, the person concerned shall have the right to submit the reason against his or her expulsion and to have his or her case reviewed by the competent authority, unless compelling reasons of national security require otherwise. Pending such review, the person concerned shall have the right to seek a stay of the decision of expulsion.

5. If a decision of expulsion that has already been executed is subsequently annulled, the person concerned shall have the right to seek compensation according to law and the earlier decision shall not be used to prevent him or her from re-entering the State concerned.

6. In case of expulsion, the person concerned shall have a reasonable opportunity before or after departure to settle any claims for wages and other entitlements due to him or her and any pending liabilities.

7. Without prejudice to the execution of a decision of expulsion, a migrant worker or a member of his or her family who is subject to such a decision may seek entry into a State other than his or her State of origin.

8. In case of expulsion of a migrant worker or a member of his or her family the costs of expulsion shall not be borne by him or her. The person concerned may be required to pay his or her own travel costs.

9. Expulsion from the State of employment shall not in itself prejudice any rights of a migrant worker or a member of his or her family acquired in accordance with the law of that State, including the right to receive wages and other entitlements due to him or her.

Article 23

Migrant workers and members of their families shall have the right to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin or of a State representing the interests of that State whenever the rights recognized in the present Convention are impaired. In particular, in case of expulsion, the person concerned shall be informed of this right without delay and the authorities of the expelling State shall facilitate the exercise of such right.

Article 24

Every migrant worker and every member of his or her family shall have the right to recognition everywhere as a person before the law.

Article 25

1. Migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and:

(a) Other conditions of work, that is to say overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work which, according to national law and practice, are covered by this term;

(b) Other terms of employment, that is to say minimum age of employment, restriction on home work and any other matters which, according to national law and practice, are considered a term of employment.

2. It shall not be lawful to derogate in private contracts of employment from the principle of equality of treatment referred to in paragraph 1 of this article.

3. States Parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any irregularity in their stay or employment. In particular, employers shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any manner by reason of any such irregularity.

Article 26

1. States Parties recognize the right of migrant workers and members of their families:

(a) To take part in meetings and activities of trade unions and of any other associations established in accordance with law, with a view to protecting their economic, social, cultural and other interests, subject only to the rules of the organization concerned;

(b) To join freely any trade union and any such association as aforesaid, subject only to the rules of the organization concerned;

(c) To seek the aid and assistance of any trade union and of any such association as aforesaid.

2. No restrictions may be placed on the exercise of these rights other than those that are prescribed by law and which are necessary in a democratic society in the interests of national security, public order (ordre public) or the protection of the rights and freedoms of others.

Article 27

1. With respect to social security, migrant workers and members of their families shall enjoy in the State of employment the same treatment granted to nationals in so far as they fulfil the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties. The competent authorities of the State of origin and the State of employment can at any time establish the necessary arrangements to determine the modalities of application of this norm.

2. Where the applicable legislation does not allow migrant workers and members of their families a benefit, the States concerned shall examine the possibility of reimbursing interested persons the amount of contributions made by them with respect to that benefit on the basis of the treatment granted to nationals who are in similar circumstances.

Article 28

Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused to them by reason of any irregularity with regard to stay or employment.

Article 29

Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality.

Article 30

Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment.

Article 31

1. States Parties shall ensure respect for the cultural identity of migrant workers and members of their families and shall not prevent them from maintaining their cultural links with their State of origin.

2. States Parties may take appropriate measures to assist and encourage efforts in this respect.

Article 32

Upon the termination of their stay in the State of employment, migrant workers and members of their families shall have the right to transfer their earnings and savings and, in accordance with the applicable legislation of the States concerned, their personal effects and belongings.

Article 33

1. Migrant workers and members of their families shall have the right to be informed by the State of origin, the State of employment or the State of transit as the case may be concerning:

(a) Their rights arising out of the present Convention;

(b) The conditions of admission, their rights and obligations under the law and practice of the State concerned and such other matters as will enable them to comply with administrative or other formalities in that State.

2. States Parties shall take all measures they deem appropriate to disseminate the said information or to ensure that it is provided by employers, trade unions or other appropriate bodies or institutions. As appropriate, they shall co-operate with other States concerned.

3. Such adequate information shall be provided upon request to migrant workers and members of their families, free of charge, and, as far as possible, in a language they are able to understand.

Article 34

Nothing in this Part of the present Convention shall have the effect of relieving migrant workers and the members of their families from either the obligation to comply with the laws and regulations of any State of transit and the State of employment or the obligation to respect the cultural identity of the inhabitants of such States.

Article 35

Nothing in this Part of the present Convention shall be interpreted as implying the regularization of the situation of migrant workers or members of their families who are non-documented or in an irregular situation or any right to such regularization of their situation, nor shall it prejudice the measures intended to ensure sound and equitable conditions for international migration as provided in Part VI.

PART IV

Other rights of migrant workers and members of their families who are documented or in a regular situation

Article 36

Migrant workers and members of their families who are documented or in a regular situation in the State of employment shall enjoy the rights set forth in this Part of the present Convention in addition to those set forth in Part III.

Article 37

Before their departure, or at the latest at the time of their admission to the State of employment, migrant workers and members of their families shall have the right to be fully informed by the State of origin or the State of employment, as appropriate, of all conditions applicable to their admission and particularly those concerning their stay and the remunerated activities in which they may engage as well as of the requirements they must satisfy in the State of employment and the authority to which they must address themselves for any modification of those conditions.

Article 38

1. States of employment shall make every effort to authorize migrant workers and members of their families to be temporarily absent without effect upon their authorization to stay or to work, as the case may be. In doing so, States of employment shall take into account the special needs and obligations of migrant workers and members of their families, in particular in their States of origin.

2. Migrant workers and members of their families shall have the right to be fully informed of the terms on which such temporary absences are authorized.

Article 39

1. Migrant workers and members of their families shall have the right to liberty of movement in the territory of the State of employment and freedom to choose their residence there.

2. The rights mentioned in paragraph 1 of this article shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order (ordre public), public health or morals, or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 40

1. Migrant workers and members of their families shall have the right to form associations and trade unions in the State of employment for the promotion and protection of their economic, social, cultural and other interests.

2. No restrictions may be placed on the exercise of this right other than those that are prescribed by law and are necessary in a democratic society in the interests of national security, public order (ordre public) or the protection of the rights and freedoms of others.

Article 41

1. Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation.

2. The States concerned shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights.

Article 42

1. States Parties shall consider the establishment of procedures or institutions through which account may be taken, both in States of origin and in States of employment, of special needs, aspirations and obligations of migrant workers and members of their families and shall envisage, as appropriate, the possibility for migrant workers and members of their families to have their freely chosen representatives in those institutions.

2. States of employment shall facilitate, in accordance with their national legislation, the consultation or participation of migrant workers and members of their families in decisions concerning the life and administration of local communities.

3. Migrant workers may enjoy political rights in the State of employment if that State, in the exercise of its sovereignty, grants them such rights.

Article 43

1. Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to:

(a) Access to educational institutions and services subject to the admission requirements and other regulations of the institutions and services concerned;

(b) Access to vocational guidance and placement services;

(c) Access to vocational training and retraining facilities and institutions;

(d) Access to housing, including social housing schemes, and protection against exploitation in respect of rents;

(e) Access to social and health services, provided that the requirements for participation in the respective schemes are met;

(f) Access to co-operatives and self-managed enterprises without implying a change of their migration status and subject to the rules and regulations of the bodies concerned;

(g) Access to and participation in cultural life.

2. States Parties shall promote conditions to ensure effective equality of treatment to enable migrant workers to enjoy the rights mentioned in paragraph 1 of this article whenever the terms of their stay, as authorized by the State of employment, meet the appropriate requirements.

3. States of employment shall not prevent an employer of migrant workers from establishing housing or social or cultural facilities for them. Subject to article 70 of the present Convention, a State of employment may make the establishment of such facilities subject to the requirements generally applied in that State concerning their installation.

Article 44

1. States Parties, recognizing that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, shall take appropriate measures to ensure the protection of the unity of the families of migrant workers.

2. States Parties shall take measures that they deem appropriate and that fall within their competence to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent unmarried children.

3. States of employment, on humanitarian grounds, shall favourably consider granting equal treatment, as set forth in paragraph 2 of this article, to other family members of migrant workers.

Article 45

1. Members of the family of migrant workers shall, in the State of employment, enjoy equality of treatment with nationals of that State in relation to:

(a) Access to educational institutions and services, subject to the admission requirements and other regulations of the institutions and services concerned;

(b) Access to vocational guidance and training institutions and services, provided that requirements for participation are met;

(c) Access to social and health services, provided that requirements for participation in the respective schemes are met;

(d) Access to and participation in cultural life.

2. States of employment shall pursue a policy, where appropriate in collaboration with the States of origin, aimed at facilitating the integration of children of migrant workers in the local school system, particularly in respect of teaching them the local language.

3. States of employment shall endeavour to facilitate for the children of migrant workers the teaching of their mother tongue and culture and, in this regard, States of origin shall collaborate whenever appropriate.

4. States of employment may provide special schemes of education in the mother tongue of children of migrant workers, if necessary in collaboration with the States of origin.

Article 46

Migrant workers and members of their families shall, subject to the applicable legislation of the States concerned, as well as relevant international agreements and the obligations of the States concerned arising out of their participation in customs unions, enjoy exemption from import and export duties and taxes in respect of their personal and household effects as well as the equipment necessary to engage in the remunerated activity for which they were admitted to the State of employment:

(a) Upon departure from the State of origin or State of habitual residence;

(b) Upon initial admission to the State of employment;

(c) Upon final departure from the State of employment;

(d) Upon final return to the State of origin or State of habitual residence.

Article 47

1. Migrant workers shall have the right to transfer their earnings and savings, in particular those funds necessary for the support of their families, from the State of employment to their State of origin or any other State. Such transfers shall be made in conformity with procedures established by applicable legislation of the State concerned and in conformity with applicable international agreements.

2. States concerned shall take appropriate measures to facilitate such transfers.

Article 48

1. Without prejudice to applicable double taxation agreements, migrant workers and members of their families shall, in the matter of earnings in the State of employment:

(a) Not be liable to taxes, duties or charges of any description higher or more onerous than those imposed on nationals in similar circumstances;

(b) Be entitled to deductions or exemptions from taxes of any description and to any tax allowances applicable to nationals in similar circumstances, including tax allowances for dependent members of their families.

2. States Parties shall endeavour to adopt appropriate measures to avoid double taxation of the earnings and savings of migrant workers and members of their families.

Article 49

1. Where separate authorizations to reside and to engage in employment are required by national legislation, the States of employment shall issue to migrant workers authorization of residence for at least the same period of time as their authorization to engage in remunerated activity.

2. Migrant workers who in the State of employment are allowed freely to choose their remunerated activity shall neither be regarded as in an irregular situation nor shall they lose their authorization of residence by the mere fact of the termination of their remunerated activity prior to the expiration of their work permits or similar authorizations.

3. In order to allow migrant workers referred to in paragraph 2 of this article sufficient time to find alternative remunerated activities, the

authorization of residence shall not be withdrawn at least for a period corresponding to that during which they may be entitled to unemployment benefits.

Article 50

1. In the case of death of a migrant worker or dissolution of marriage, the State of employment shall favourably consider granting family members of that migrant worker residing in that State on the basis of family reunion an authorization to stay; the State of employment shall take into account the length of time they have already resided in that State.

2. Members of the family to whom such authorization is not granted shall be allowed before departure a reasonable period of time in order to enable them to settle their affairs in the State of employment.

3. The provisions of paragraphs 1 and 2 of this article may not be interpreted as adversely affecting any right to stay and work otherwise granted to such family members by the legislation of the State of employment or by bilateral and multilateral treaties applicable to that State.

Article 51

Migrant workers who in the State of employment are not permitted freely to choose their remunerated activity shall neither be regarded as in an irregular situation nor shall they lose their authorization of residence by the mere fact of the termination of their remunerated activity prior to the expiration of their work permit, except where the authorization of residence is expressly dependent upon the specific remunerated activity for which they were admitted. Such migrant workers shall have the right to seek alternative employment, participation in public work schemes and retraining during the remaining period of their authorization to work, subject to such conditions and limitations as are specified in the authorization to work.

Article 52

1. Migrant workers in the State of employment shall have the right freely to choose their remunerated activity, subject to the following restrictions or conditions.

2. For any migrant worker a State of employment may:

(a) Restrict access to limited categories of employment, functions, services or activities where this is necessary in the interests of this State and provided for by national legislation;

(b) Restrict free choice of remunerated activity in accordance with its legislation concerning recognition of occupational qualifications acquired outside its territory. However, States Parties concerned shall endeavour to provide for recognition of such qualifications.

3. For migrant workers whose permission to work is limited in time, a State of employment may also:

(a) Make the right freely to choose their remunerated activities subject to the condition that the migrant worker has resided lawfully in its territory for the purpose of remunerated activity for a period of time prescribed in its national legislation that should not exceed two years;

(b) Limit access by a migrant worker to remunerated activities in pursuance of a policy of granting priority to its nationals or to persons who are assimilated to them for these purposes by virtue of legislation or bilateral or multilateral agreements. Any such limitation shall cease to apply to a migrant worker who has resided lawfully in its territory for the purpose of remunerated activity for a period of time prescribed in its national legislation that should not exceed five years.

4. States of employment shall prescribe the conditions under which a migrant worker who has been admitted to take up employment may be authorized to engage in work on his or her own account and vice versa. Account shall be taken of the period during which the worker has already been lawfully in the State of employment.

Article 53

1. Members of a migrant worker's family who have themselves an authorization of residence or admission that is without limit of time or is automatically renewable shall be permitted freely to choose their remunerated activity under the same conditions as are applicable to the said migrant worker in accordance with article 52 of the present Convention.

2. With respect to members of a migrant worker's family who are not permitted freely to choose their remunerated activity, States Parties shall consider favourably granting them priority in obtaining permission to engage in a remunerated activity over other workers who seek admission to the State of employment, subject to applicable bilateral and multilateral agreements.

Article 54

1. Without prejudice to the terms of their authorization of residence or their permission to work and the rights provided for in articles 25 and 27 of the present Convention, migrant workers shall enjoy equality of treatment with nationals of the State of employment in respect of:

(a) Protection against dismissal;

(b) Unemployment benefits;

(c) Access to public work schemes intended to combat unemployment;

(d) Access to alternative employment in the event of loss of work or termination of other remunerated activity subject to article 52 of the present Convention.

2. If a migrant worker claims that the terms of his or her work contract have been violated by his or her employer, he or she shall have the right to address his or her case to the competent authorities of the State of employment, on terms provided for in article 18, paragraph 1, of the present Convention.

Article 55

Migrant workers who have been granted permission to engage in a remunerated activity, subject to the conditions attached to such permission, shall be entitled to equality of treatment with nationals of the State of employment in the exercise of that remunerated activity.

Article 56

1. Migrant workers and members of their families referred to in this Part of the present Convention may not be expelled from a State of employment, except for reasons defined in the national legislation of that State, and subject to the safeguards established in Part III.

2. Expulsion shall not be resorted to for the purpose of depriving a migrant worker or a member of his or her family of the rights arising out of the authorization of residence and the work permit.

3. In considering whether to expel a migrant worker or a member of his or her family, account should be taken of humanitarian considerations and of the length of time that the person concerned has already resided in the State of employment.

PART V

Provisions applicable to particular categories of migrant workers and members of their families

Article 57

The particular categories of migrant workers and members of their families specified in this Part of the present Convention who are documented or in a regular situation shall enjoy the rights set forth in Part III and, except as modified below, the rights set forth in Part IV.

Article 58

1. Frontier workers, as defined in article 2, paragraph 2 (a), of the present Convention, shall be entitled to the rights provided for in Part IV that can be applied to them by reason of their presence and work in the territory of the State of employment, taking into account that they do not have their habitual residence in that State.

2. States of employment shall consider favourably granting frontier workers the right freely to choose their remunerated activity after a specified period of time. The granting of that right shall not affect their status as frontier workers.

Article 59

1. Seasonal workers, as defined in article 2, paragraph 2 (b), of the present Convention, shall be entitled to the rights provided for in Part IV that can be applied to them by reason of their presence and work in the territory of the State of employment and that are compatible with their status in that State as seasonal workers, taking into account that they are present in that State for only part of the year.

2. The State of employment shall, subject to paragraph 1 of this article, consider granting seasonal workers who have been employed in its territory for a significant period of time the possibility of taking up other remunerated activities and giving them priority over other workers who seek admission to that State, subject to applicable bilateral and multilateral agreements.

Article 60

Itinerant workers, as defined in article 2, paragraph 2 (e), of the present Convention, shall be entitled to the rights provided for in Part IV that can be granted to them by reason of their presence and work in the territory of the State of employment and that are compatible with their status as itinerant workers in that State.

Article 61

1. Project-tied workers, as defined in article 2, paragraph 2 (f), of the present Convention, and members of their families shall be entitled to the rights provided for in Part IV except the provisions of article 43, paragraphs 1 (b) and (c) and article 43, paragraph 1 (d), as it pertains to social housing schemes, article 45 (b), and articles 52 to 55.

2. If a project-tied worker claims that the terms of his or her work contract have been violated by his or her employer, he or she shall have the right to address his or her case to the competent authorities of the State which has jurisdiction over that employer, on terms provided for in article 18, paragraph 1, of the present Convention.

3. Subject to bilateral or multilateral agreements in force for them, the States Parties concerned shall endeavour to enable project-tied workers to remain adequately protected by the social security systems of their States of origin or habitual residence during their engagement in the project. States Parties concerned shall take appropriate measures with the aim of avoiding any denial of rights or duplication of payments in this respect.

4. Without prejudice to the provisions of article 47 of the present Convention and to relevant bilateral or multilateral agreements, States Parties

concerned shall permit payment of the earnings of project-tied workers in their State of origin or habitual residence.

Article 62

1. Specified-employment workers as defined in article 2, paragraph 2 (g), of the present Convention, shall be entitled to the rights provided for in Part IV, except the provisions of article 43, paragraphs 1 (b) and (c); article 43, paragraph 1 (d), as it pertains to social housing schemes; article 52; and article 54, paragraph 1 (d).

2. Members of the family of specified-employment workers shall be entitled to the rights relating to family members of migrant workers in Part IV of the present Convention, except the provisions of article 53.

Article 63

1. Self-employed workers, as defined in article 2, paragraph 2 (h), of the present Convention, shall be entitled to the rights provided for in Part IV with the exception of those rights which are exclusively applicable to workers having a contract of employment.

2. Without prejudice to articles 52 and 79 of the present Convention, the termination of the economic activity of the self-employed workers shall not in itself imply the withdrawal of the authorization for them or for the members of their families to stay or to engage in a remunerated activity in the State of employment except where the authorization of residence is expressly dependent upon the specific remunerated activity for which they were admitted.

PART VI

Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families

Article 64

1. Without prejudice to article 79 of the present Convention, the States Parties concerned shall as appropriate consult and co-operate with a view to promoting sound, equitable and humane conditions in connection with international migration of workers and members of their families.

2. In this respect due regard shall be paid not only to labour needs and resources, but also to the social, economic and cultural and other needs of migrant workers and members of their families involved, as well as to the consequences of such migration for the communities concerned.

Article 65

1. States Parties shall maintain appropriate services to deal with questions concerning international migration of workers and members of their families. Their functions shall include, inter alia:

(a) The formulation and implementation of policies regarding such migration;

(b) An exchange of information, consultation and co-operation with the competent authorities of other States Parties involved in such migration;

(c) The provision of appropriate information, particularly to employers, workers and their organizations on policies, laws and regulations relating to migration and employment, on agreements concluded with other States concerning migration and on other relevant matters;

(d) The provision of information and appropriate assistance to migrant workers and members of their families regarding requisite authorizations and formalities and arrangements for departure, travel, arrival, stay, remunerated activities, exit and return, as well as on conditions of work and life in the State of employment and on customs, currency, tax and other relevant laws and regulations.

2. States Parties shall facilitate as appropriate the provision of adequate consular and other services that are necessary to meet the social, cultural and other needs of migrant workers and members of their families.

Article 66

1. Subject to paragraph 2 of this article, the right to undertake operations with a view to the recruitment of workers for employment in another State shall be restricted to:

(a) Public services or bodies of the State in which such operations take place;

(b) Public services or bodies of the State of employment on the basis of agreement between the States concerned;

(c) A body established by virtue of a bilateral or multilateral agreement.

2. Subject to any authorization, approval and supervision by the public authorities of the States Parties concerned as may be established pursuant to the legislation and practice of those States, agencies, prospective employers or persons acting on their behalf may also be permitted to undertake the said operations.

Article 67

1. States Parties concerned shall co-operate as appropriate in the adoption of measures regarding the orderly return of migrant workers and members of their

families to the State of origin when they decide to return or their authorization of residence or employment expires or when they are in the State of employment in an irregular situation.

2. Concerning migrant workers and members of their families in a regular situation, States Parties concerned shall co-operate as appropriate, on terms agreed upon by those States, with a view to promoting adequate economic conditions for their resettlement and to facilitating their durable social and cultural reintegration in the State of origin.

Article 68

1. States Parties, including States of transit, shall collaborate with a view to preventing and eliminating illegal or clandestine movements and employment of migrant workers in an irregular situation. The measures to be taken to this end within the jurisdiction of each State concerned shall include:

(a) Appropriate measures against the dissemination of misleading information relating to emigration and immigration;

(b) Measures to detect and eradicate illegal or clandestine movements of migrant workers and members of their families and to impose effective sanctions on persons, groups or entities which organize, operate or assist in organizing or operating such movements;

(c) Measures to impose effective sanctions on persons, groups or entities which use violence, threats or intimidation against migrant workers or members of their family in an irregular situation.

2. States of employment shall take all adequate and effective measures to eliminate employment in their territory of migrant workers in an irregular situation, including, whenever appropriate, sanctions on employers of such workers. The rights of migrant workers vis-à-vis their employer arising from employment shall not be impaired by these measures.

Article 69

1. States Parties shall, when there are migrant workers and members of their families within their territory in an irregular situation, take appropriate measures to ensure that such a situation does not persist.

2. Whenever States Parties concerned consider the possibility of regularizing the situation of such persons in accordance with applicable national legislation and bilateral or multilateral agreements, appropriate account shall be taken of the circumstances of their entry, the duration of their stay in the States of employment and other relevant considerations, in particular those relating to their family situation.

Article 70

States Parties shall take measures not less favourable than those applied to nationals to ensure that working and living conditions of migrant workers and members of their families in a regular situation are in keeping with the standards of fitness, safety, health and principles of human dignity.

Article 71

1. States Parties shall facilitate, whenever necessary, the repatriation to the State of origin of the bodies of the deceased migrant workers or members of their families.

2. As regards compensation matters relating to the death of a migrant worker or a member of his or her family, States Parties shall, as appropriate, provide assistance to the persons concerned with a view to the prompt settlement of such matters. Settlement of these matters shall be carried out on the basis of applicable national law in accordance with the provisions of the present Convention and any relevant bilateral or multilateral agreements.

PART VII

Application of the Convention

Article 72

1. (a) For the purpose of reviewing the application of the present Convention, there shall be established a Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as "the Committee");

(b) The Committee shall consist, at the time of entry into force of the present Convention, of ten and, after the entry into force of the Convention for the forty-first State Party, of fourteen experts of high moral standing, impartiality and recognized competence in the field covered by the present Convention.

2. (a) Members of the Committee shall be elected by secret ballot by the States Parties from a list of persons nominated by the States Parties, due consideration being given to equitable geographical distribution, including both States of origin and States of employment, and to the representation of the principal legal systems. Each State Party may nominate one person from among its own nationals;

(b) Members shall be elected and serve in their personal capacity.

3. The initial election shall be held no later than six months after the date of the entry into force of the present Convention and subsequent elections every second year. At least four months before the date of each election, the

Secretary-General of the United Nations shall address a letter to all States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties that have nominated them, and shall submit it to the States Parties not later than one month before the date of the corresponding election, together with the curricula vitae of the persons thus nominated.

4. Elections of members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of votes of the States Parties present and voting.

5. (a) The members of the Committee shall serve for a term of four years. However, the terms of five of the members elected in the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting of States Parties;

(b) The election of the four additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the entry into force of the present Convention for the forty-first State Party. The term of two of the additional members elected on this occasion shall expire at the end of two years; the names of these members shall be chosen by lot by the Chairman of the meeting of States Parties;

(c) The members of the Committee shall be eligible for re-election if renominated.

6. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party that nominated the expert shall appoint another expert from among its own nationals for the remaining part of the term. The new appointment is subject to the approval of the Committee.

7. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee.

8. The members of the Committee shall receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide.

9. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 73

1. States Parties undertake to submit to the Secretary-General of the United Nations for consideration by the Committee a report on the legislative, judicial, administrative and other measures they have taken to give effect to the provisions of the Convention:

(a) Within one year after the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years and whenever the Committee so requests.

2. Reports made under this article shall also indicate factors and difficulties, if any, affecting the implementation of the present Convention and shall include information on the characteristics of migration flows in which the State Party concerned is involved.

3. The Committee shall decide any further guidelines applicable to the content of the reports.

4. States Parties shall make their reports widely available to the public in their own countries.

Article 74

1. The Committee shall examine the reports submitted by each State Party and shall transmit such comments as it may consider appropriate to the State Party concerned. This State Party may submit to the Committee observations on any comment made by the Committee in accordance with this article. The Committee may request supplementary information from States Parties when considering these reports.

2. The Secretary-General of the United Nations shall, in due time before the opening of each regular session of the Committee, transmit to the Director-General of the International Labour Office copies of the reports submitted by States Parties concerned and information relevant to the consideration of these reports in order to enable the Office to assist the Committee with the expertise the Office may provide regarding those matters dealt with by the Convention that fall within the sphere of competence of the International Labour Organisation. The Committee shall consider in its deliberations such comments and materials as the Office may provide.

3. The Secretary-General of the United Nations may also, after consultation with the Committee, transmit to other specialized agencies as well as to intergovernmental organizations, copies of such parts of these reports as may fall within their competence.

4. The Committee may invite the specialized agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies to submit, for consideration by the Committee, written information on such matters dealt with in the Convention as fall within the scope of their activities.

5. The International Labour Office shall be invited by the Committee to appoint representatives to participate, in a consultative capacity, in the meetings of the Committee.

6. The Committee may invite representatives of other specialized agencies and organs of the United Nations, as well as of intergovernmental organizations, to be present and heard in its meetings whenever matters falling within their field of competence are considered.

7. The Committee shall present an annual report to the General Assembly of the United Nations on the implementation of the present Convention, containing its own considerations and recommendations, based, in particular, on the examination of the reports and any observations presented by States Parties.

8. The Secretary-General of the United Nations shall transmit the annual reports of the Committee to the States Parties to the present Convention, the Economic and Social Council, the Commission on Human Rights of the United Nations, the Director-General of the International Labour Office and other relevant organizations.

Article 75

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The Committee shall normally meet annually.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 76

1. A State Party to the present Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Convention. Communications under this article may be received and considered only if submitted by a State Party that has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Convention considers that another State Party is not fulfilling its obligations under the present Convention, it may, by written communication, bring the matter to the attention of that State Party. The State Party may also inform the Committee of the matter. Within three months after the receipt of the communication the receiving State shall afford the State that sent the communication an explanation, or any other statement in writing clarifying

the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where, in the view of the Committee, the application of the remedies is unreasonably prolonged;

(d) Subject to the provisions of subparagraph (c) of this paragraph, the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of the respect for the obligations set forth in the present Convention;

(e) The Committee shall hold closed meetings when examining communications under this article;

(f) In any matter referred to it in accordance with subparagraph (b) of this paragraph, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b) of this paragraph, shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b) of this paragraph, submit a report:

(i) If a solution within the terms of subparagraph (d) of this paragraph is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (d) is not reached, the Committee shall, in its report, set forth the relevant facts concerning the issue between the States Parties concerned. The written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. The Committee may also communicate only to the States Parties concerned any views that it may consider relevant to the issue between them.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Convention have made a declaration under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the

Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 77

1. A State Party to the present Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim that their individual rights as established by the present Convention have been violated by that State Party. No communication shall be received by the Committee if it concerns a State Party that has not made such a declaration.

2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the present Convention.

3. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:

(a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement; and

(b) The individual has exhausted all available domestic remedies; this shall not be the rule where, in the view of the Committee, the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to that individual.

4. Subject to the provisions of paragraph 2 of this article, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to the present Convention that has made a declaration under paragraph 1 and is alleged to be violating any provisions of the present Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

5. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.

6. The Committee shall hold closed meetings when examining communications under this article.

7. The Committee shall forward its views to the State Party concerned and to the individual.

8. The provisions of this article shall come into force when ten States Parties to the present Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

Article 78

The provisions of article 76 of the present Convention shall be applied without prejudice to any procedures for settling disputes or complaints in the field covered by the present Convention laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies and shall not prevent the States Parties from having recourse to any procedures for settling a dispute in accordance with international agreements in force between them.

PART VIII

General provisions

Article 79

Nothing in the present Convention shall affect the right of each State Party to establish the criteria governing admission of migrant workers and members of their families. Concerning other matters related to their legal situation and treatment as migrant workers and members of their families, States Parties shall be subject to the limitations set forth in the present Convention.

Article 80

Nothing in the present Convention shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Convention.

Article 81

1. Nothing in the present Convention shall affect more favourable rights or freedoms granted to migrant workers and members of their families by virtue of:

(a) The law or practice of a State Party; or

(b) Any bilateral or multilateral treaty in force for the State Party concerned.

2. Nothing in the present Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act that would impair any of the rights and freedoms as set forth in the present Convention.

Article 82

The rights of migrant workers and members of their families provided for in the present Convention may not be renounced. It shall not be permissible to exert any form of pressure upon migrant workers and members of their families with a view to their relinquishing or foregoing any of the said rights. It shall not be possible to derogate by contract from rights recognized in the present Convention. States Parties shall take appropriate measures to ensure that these principles are respected.

Article 83

Each State Party to the present Convention undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any persons seeking such a remedy shall have his or her claim reviewed and decided by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 84

Each State Party undertakes to adopt the legislative and other measures that are necessary to implement the provisions of the present Convention.

PART IX

Final provisions

Article 85

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 86

1. The present Convention shall be open for signature by all States. It is subject to ratification.

2. The present Convention shall be open to accession by any State.

3. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

Article 87

1. The present Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the present Convention after its entry into force, the Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of its own instrument of ratification or accession.

Article 88

A State ratifying or acceding to the present Convention may not exclude the application of any Part of it, or, without prejudice to article 3, exclude any particular category of migrant workers from its application.

Article 89

1. Any State Party may denounce the present Convention, not earlier than five years after the Convention has entered into force for the State concerned, by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of twelve months after the date of the receipt of the notification by the Secretary-General of the United Nations.

3. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

4. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Article 90

1. After five years from the entry into force of the Convention a request for the revision of the Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting shall be submitted to the General Assembly for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Convention and any earlier amendment that they have accepted.

Article 91

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of signature, ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 92

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention that is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party that has made such a declaration.

3. Any State Party that has made a declaration in accordance with paragraph 2 of this article may at any time withdraw that declaration by notification to the Secretary-General of the United Nations.

Article 93

1. The present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Convention to all States.

DRAFT RESOLUTION IX

Assistance to refugees and displaced persons in Malawi

The General Assembly,

Recalling its resolutions 42/132 of 7 December 1987, 43/148 of 8 December 1988 and 44/149 of 15 December 1989 on assistance to refugees and displaced persons in Malawi,

Having considered the report of the Secretary-General, 28/

Having examined that part of the report of the United Nations High Commissioner for Refugees 29/ that deals with the situation of refugees and displaced persons in Malawi,

Gravely concerned about the continuing serious social and economic impact of the massive presence of refugees and displaced persons, as well as its far-reaching consequences for the country's long-term development process,

Appreciating the important measures that the Government of Malawi is taking in order to provide shelter, protection, food, education and health and other humanitarian services to thousands of refugees and displaced persons,

Recognizing the heavy burden placed on the people and Government of Malawi and the sacrifices they are making in caring for the refugees and displaced persons, given the country's limited social services and infrastructure, and the need for adequate international assistance to enable them to continue their efforts to provide assistance to the refugees and displaced persons,

Expressing its appreciation for the assistance rendered by Member States, the various organizations of the United Nations system, the Office of the United Nations High Commissioner for Refugees and other international, intergovernmental and non-governmental organizations in support of the refugee programme in Malawi,

Bearing in mind the findings and recommendations of the inter-agency mission to Malawi, 30/ particularly on the need to strengthen the country's socio-economic infrastructure in order to enable it to provide for the immediate humanitarian relief requirements of the refugees and displaced persons, as well as the long-term national development needs of the country,

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28/ A/45/444.

29/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 12 (A/45/12).

30/ See A/43/536, sect. III.

Recognizing the need to view refugee-related development projects within local and national development plans,

1. Takes note of the report of the Secretary-General;

2. Commends the measures that the Government of Malawi is taking to provide material and humanitarian assistance to refugees and displaced persons, in spite of the serious economic situation it faces, and stresses the need for additional resources to lessen the impact of the presence of refugees and displaced persons on the country's long-term development process;

3. Expresses its appreciation to the Secretary-General, the United Nations High Commissioner for Refugees, donor countries and intergovernmental and non-governmental organizations for their efforts to assist the refugees and displaced persons in Malawi;

4. Expresses grave concern at the serious and far-reaching consequences of the massive presence of refugees and displaced persons in the country and its implications for the long-term socio-economic development of the whole country;

5. Appeals to Member States, the appropriate organs, organizations and bodies of the United Nations system, intergovernmental and non-governmental organizations and the international financial institutions to continue providing the Government of Malawi with the necessary resources for the implementation of development assistance projects in regions affected by the presence of refugees and displaced persons, as well as for the development programmes now being implemented;

6. Requests the Secretary-General to continue his efforts to mobilize the necessary financial and material assistance for the full implementation of ongoing projects in the areas affected by the presence of refugees and displaced persons and programmes now being implemented;

7. Requests the High Commissioner to continue co-ordination with the appropriate specialized agencies in order to consolidate and ensure the continuation of essential services to the refugees and displaced persons in their settlements;

8. Requests the Secretary-General to report to the General Assembly at its forty-sixth session, through the Economic and Social Council, on the implementation of the present resolution.

DRAFT RESOLUTION X

Situation of refugees in the Sudan

The General Assembly,

Recalling its resolution 44/151 of 15 December 1989 and its other previous resolutions on the situation of refugees in the Sudan,

Having considered the report of the Secretary-General 31/ on the implementation of resolution 44/151 and the report of the United Nations High Commissioner for Refugees, 32/

Expressing its appreciation for the efforts made by the Government of the Sudan for the reception of the refugees and the provision of protection, shelter, food, health, education and other humanitarian services to the ever increasing number of refugees who have been crossing the borders into the Sudan since the early 1960s,

Recognizing the heavy burden shouldered by the people and the Government of the Sudan and the sacrifices they are making to host more than one million refugees, who constitute approximately 7.5 per cent of the total population of the country,

Deeply concerned that the great majority of the refugees have settled of their own accord in various urban and rural communities throughout the country and are thus sharing with the indigenous population the already meagre resources and services,

Expressing grave concern at the devastating and far-reaching effects of the successive calamities, ranging from the drought in 1984 to the torrential rains and floods and locust infestations in 1988 and the drought and food shortage of 1990, that have afflicted the country, thus exacerbating the already deteriorating situation resulting from the presence of this great number of refugees,

Gravely concerned also that the Government of the Sudan, besides dealing with the difficult prevailing economic and social problems, has the additional task of taking care of more than 3.7 million persons displaced by successive calamities and civil strife in the south,

Recognizing the efforts undertaken by the Government of the Sudan to initiate a wide-ranging rehabilitation programme to redress the damages incurred by the natural disasters,

Considering those serious circumstances, which render the Government of the Sudan less prepared than ever to meet its obligations to its own people, and the more serious consequences, which affect the capacity of the Government of the Sudan to receive and grant asylum to additional numbers of refugees,

Expressing its appreciation for the assistance rendered by Member States and intergovernmental and non-governmental organizations in support of the refugee programme in the Sudan,

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31/ A/45/446.

32/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 12 (A/45/12).

1. Takes note of the report of the Secretary-General;

2. Takes note also of the report of the United Nations High Commissioner for Refugees and, in particular, of the new trends identified in the area of refugee aid and development;

3. Expresses its appreciation to the Secretary-General, the High Commissioner, donor countries and intergovernmental and non-governmental organizations for their efforts to assist the refugees in the Sudan;

4. Expresses grave concern at the serious and far-reaching consequences of the presence of massive numbers of refugees on the security and stability of the country and the overall negative impact on its basic infrastructure and socio-economic development;

5. Also expresses grave concern at the shrinking resources available for refugee programmes in the Sudan and the serious consequences of this situation on the country's ability to continue to host and assist refugees;

6. Appeals to Member States, the appropriate organs, organizations and bodies of the United Nations system, intergovernmental and non-governmental organizations and the international financial institutions to provide the Government of the Sudan with the necessary resources for the implementation of development assistance projects, in particular those prepared by the United Nations Development Programme, in the regions affected by the presence of refugees;

7. Requests the Secretary-General to mobilize the necessary financial and material assistance for the full implementation of ongoing projects in the areas affected by the presence of refugees;

8. Requests the High Commissioner to continue co-ordination with the appropriate specialized agencies in order to consolidate and ensure the continuation of essential services to the refugees in their settlements and to explore ways and means to extend assistance to refugees who have settled of their own accord elsewhere;

9. Requests the Secretary-General to report to the General Assembly at its forty-sixth session, through the Economic and Social Council, on the implementation of the present resolution.

DRAFT RESOLUTION XI

Assistance to refugees and returnees in Ethiopia

The General Assembly,

Recalling all its resolutions, in particular resolution 44/154 of 15 December 1989, as well as all those of the Economic and Social Council, on assistance to displaced persons in Ethiopia,

Taking note of the report of the Secretary-General, 33/

Having considered the report of the United Nations High Commissioner for Refugees, 34/

Recognizing the increasing number of refugees and voluntary returnees in Ethiopia,

Deeply concerned about the massive presence of refugees and voluntary returnees in the country and the enormous burden this has placed on the country's infrastructure and meagre resources,

Deeply concerned also about the grave consequences this has entailed for the country's capability to grapple with the effects of the prolonged drought,

Aware of the heavy burden placed on the Government of Ethiopia and of the need for adequate assistance to refugees, voluntary returnees and victims of natural disasters,

1. Commends the Office of the United Nations High Commissioner for Refugees and intergovernmental organizations and voluntary agencies for their assistance in mitigating the plight of the large number of refugees and voluntary returnees in Ethiopia;

2. Appeals to Member States and to international organizations and voluntary agencies to provide adequate material, financial and technical assistance for relief and rehabilitation programmes for the large number of refugees and voluntary returnees in Ethiopia;

3. Requests the United Nations High Commissioner for Refugees to continue his efforts to mobilize humanitarian assistance for the relief, rehabilitation and resettlement of voluntary returnees and the large number of refugees in Ethiopia;

4. Requests the Secretary-General, in co-operation with the High Commissioner, to apprise the Economic and Social Council, at its second regular session of 1991, of the implementation of the present resolution and to report thereon to the General Assembly at its forty-sixth session.

33/ A/45/447.

34/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 12 (A/45/12).

DRAFT RESOLUTION XII

Summary or arbitrary executions

The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights, 35/ in which it is stated that every human being has the right to life, liberty and security of person,

Having regard to the provisions of the Internationl Covenant on Civil and Political Rights, 36/ in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

Recalling its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary or arbitrary executions, and its resolutions 37/182 of 17 December 1982, 38/96 of 16 December 1983, 39/110 of 14 December 1984, 40/143 of 13 December 1985, 41/144 of 4 December 1986, 42/141 of 7 December 1987, 43/151 of 8 December 1988 and 44/159 of 15 December 1989,

Deeply alarmed at the continued occurrence on a large scale of summary or aribtrary executions, including extra-legal executions,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15, 37/

Welcoming the close co-operation established between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat and the Committee on Crime Prevention and Control with regard to the elaboration of the principles on the effective prevention and investigation of arbitrary and summary executions, including extra-legal executions,

Recalling Economic and Social Council resolution 1989/65 of 24 May 1989, containing the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

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35/ Resolution 217 A (III).

36/ See resolution 2200 A (XXI), annex.

37/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.

Recalling also Economic and Social Council resolution 1989/64 of 24 May 1989, entitled "Implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty" and the recommendations contained therein,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions, which represents a flagrant violation of the most fundamental human right, the right to life,

1. Once again strongly condemns the large number of summary or arbitrary executions, including extra-legal executions, that continue to take place in various parts of the world;

2. Demands that the practice of summary or arbitrary executions be brought to an end;

3. Appeals urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;

4. Reaffirms Economic and Social Council resolution 1982/35 of 7 May 1982, in which the Council decided to appoint a special rapporteur to consider the questions related to summary or arbitrary executions;

5. Welcomes Economic and Social Council decision 1990/233 of 25 May 1990, in which the Council approved the decision of the Commission on Human Rights 38/ to extend the mandate of the Special Rapporteur for another two years and also approved the Commission's request to the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur;

6. Urges all Governments, in particular those that have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to co-operate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

7. Requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has recently occurred, and, furthermore, to promote exchanges of views between Governments and those who provide reliable information to the Special Rapporteur, where the Special Rapporteur considers that such exchanges of information might be useful;

38/ See Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22 and Corr.1), chap. II, sect. A, resolution 1990/51.

8. Welcomes the recommendations made by the Special Rapporteur in his reports, 39/ to the Commission on Human Rights at its forty-fourth, forty-fifth and forty-sixth sessions with a view to eliminating summary or arbitrary executions;

9. Encourages Governments, international organizations and non-governmental organizations to organize training programmes and support projects with a view to training or educating law enforcement officers in human rights issues connected with their work, and appeals to the international community to support endeavours to that end;

10. Considers that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, as well as medical and forensic experts;

11. Requests the Secretary-General is to continue to provide all necessary assistance to the Special Rapporteur so that he may effectively carry out his mandate;

12. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

13. Requests the Commission on Human Rights at its forty-seventh session, on the basis of the report of the Special Rapporteur to be prepared in conformity with Economic and Social Council resolutions 1982/35, 1983/36, 1984/35, 1985/40, 1986/36, 1987/60 and 1988/38, to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.

DRAFT RESOLUTION XIII

Strengthening of United Nations action in the human rights field through the promotion of international co-operation and the importance of non-selectivity, impartiality and objectivity

The General Assembly,

Reaffirming its faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small and its determination to promote social progress and better standards of living with greater freedom,

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39/ E/CN.4/1988/22 and Add.1 and 2, E/CN.4/1989/25 and E/CN.4/1990/22 and Corr.1 and Add.1.

Bearing in mind that one of the purposes of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Bearing in mind equally that one of the purposes of the United Nations is to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling that in accordance with Articles 55 and 56 of the Charter of the United Nations, the United Nations shall promote universal respect for, and observance of, human rights and fundamental freedoms for all, with a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and that all Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55,

Reiterating that Member States should continue to act in this area in conformity with the provisions of the Charter,

Desirous of achieving further progress in international co-operation in the field of promoting and encouraging respect for human rights and fundamental freedoms,

Considering that such international co-operation should be based on the principles embodied in international law, especially the Charter, as well as the Universal Declaration of Human Rights 40/ and the International Covenants on Human Rights 41/ and other relevant instruments,

Deeply convinced that such co-operation should be based on a profound understanding of the economic, social and cultural realities and the variety of problems existing in different societies,

Recalling its resolutions 32/130 of 16 December 1977, 37/200 of 18 December 1982, 41/155 of 4 December 1986 and 43/155 of 8 December 1988,

Aware of its resolutions 2131 (XX) of 21 December 1965, 2625 (XXV) of 24 October 1970 and 36/103 of 9 December 1981,

Aware of the fact that the promotion, protection and full realization of all human rights and fundamental freedoms as legitimate concerns of the world community should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends,

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40/ Resolution 217 A (III).

41/ See resolution 2200 A (XXI), annex.

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. Reaffirms that it is a purpose of the United Nations and the task of all Member States in co-operation with the Organization to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. Calls upon all Member States to base their activities for the protection and promotion of human rights, including the development of further international co-operation in this field, on the Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, 41 the International Covenant on Economic, Social and Cultural Rights 41/ and other relevant international instruments and to refrain from activities that are inconsistent with this international legal framework;

4. Considers that such co-operation should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights, to the promotion of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. Affirms that the promotion, protection and full realization of all human rights and fundamental freedoms, as legitimate concerns of the world community, should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. Expresses its conviction that an unbiased and fair approach to human rights issues contributes to the promotion of international co-operation as well as to an effective promotion, protection and realization of human rights and fundamental freedoms;

7. Underlines, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;

8. Invites Member States to consider adopting as appropriate within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter as well as international human rights instruments, the measures that they may deem appropriate to achieve further progress in international co-operation in the field of promoting and encouraging respect for human rights and fundamental freedoms;

9. Requests the Commission on Human Rights, at its forty-seventh session, to examine the content of the present resolution, including ways and means to strengthen United Nations action in this regard.

DRAFT RESOLUTION XIV

International Year for the World's Indigenous People

The General Assembly,

Bearing in mind that one of the purposes of the United Nations set forth in the Charter is the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Taking note of the recommendation of the Economic and Social Council, in its decision 1990/248 of 25 May 1990, that the General Assembly proclaim 1993 as an international year for the world's indigenous people,

Taking into account the guidelines for international years and anniversaries adopted in its decision 35/424 of 5 December 1980,

1. Proclaims 1993 as International Year for the World's Indigenous People, with a view to strengthening international co-operation for the solution of problems faced by indigenous communities in such areas as human rights, the environment, development, education, health and so on;

2. Invites States to ensure that preparations are made for the Year;

3. Recommends that the specialized agencies, regional commissions and other organizations of the United Nations system consider at their respective forums the contributions that they can make to the success of the Year;

4. Invites indigenous organizations and other interested non-governmental organizations to consider the contributions they can make to the success of the Year, with a view to presenting them to the Commission on Human Rights;

5. Requests the Commission on Human Rights to consider at its forty-seventh session possible United Nations activities in connection with the Year;

6. Authorizes the Secretary-General to accept and administer voluntary contributions from Governments, intergovernmental organizations and non-governmental organizations for the purposes of funding programme activities of the Year;

7. Requests the Secretary-General to submit to the General Assembly at its forty-sixth session a draft programme of activities based on the recommendations of the Economic and Social Council and of the specialized agencies;

8. Decides to include in the provisional agenda of its forty-sixth session an item entitled "Preparation and organization of the International Year for the World's Indigenous People".

DRAFT RESOLUTION XV

Question of enforced or involuntary disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolution 44/160 of 15 December 1989 on the question of enforced or involuntary disappearances,

Deeply concerned about the persistence, in certain cases, of the practice of enforced or involuntary disappearances, and about the fact that, in certain cases, the families of disappeared persons have been the target of intimidation and ill treatment,

Expressing its profound emotion at the anguish and sorrow of the families concerned, who are unsure of the fate of their relatives,

Concerned by the growing number of reports concerning harassment of witnesses of disappearances or relatives of disappeared persons,

Convinced of the need to continue implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances, with a view to finding solutions for cases of disappearances and helping to eliminate such practices,

Bearing in mind Commission on Human Rights resolution 1990/30 of 2 March 1990, 42/

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work and to those Governments that have co-operated with it;

2. Welcomes the decision of the Commission on Human Rights, at its forty-sixth session, to extend for two years the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI) of 29 February 1980, 43/ while maintaining the principle of annual reporting by the Working Group;

42/ See Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

43/ Ibid., 1980, Supplement No. 3 and corrigendum (E/1980/13 and Corr.1 and 2), chap. XXVI, sect. A.

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3. Recalls the provisions made by the Commission on Human Rights in its resolution 1986/55 of 13 March 1986 44/ to enable the Working Group to fulfil its mandate with greater efficiency;

4. Notes with satisfaction that the Working Group on Detention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities has completed preparation of the draft declaration on the protection of all persons from enforced or involuntary disappearances and that the Sub-Commission has decided to transmit the draft to the Commission on Human Rights; 45/

5. Appeals to the Governments concerned, particularly those which have not yet replied to the communications addressed to them by the Working Group, to co-operate fully with it so as to enable it, with respect for its working methods based on discretion, to perform its strictly humanitarian role, and in particular to reply more quickly to the requests for information addressed to them;

6. Encourages the Governments concerned to consider the wish of the Working Group, when such a wish is expressed, to visit their countries, thus enabling it to fulfil its mandate even more effectively;

7. Extends its warm thanks to those Governments that have invited the Working Group and requests them to give all necessary attention to its recommendations;

8. Appeals to the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment of which they may be the target;

9. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group when it considers the report to be submitted by the Working Group to the Commission at its forty-seventh session;

10. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary facilities.

44/ Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

45/ E/CN.4/1990/13.

DRAFT RESOLUTION XVI

Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights 46/ and the relevant provisions of the International Covenant on Civil and Political Rights 47/ and the Optional Protocol thereto, in particular article 6 of the Covenant, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 48/ and in the International Convention on the Elimination of All Forms of Racial Discrimination, 49/

Calling attention to the numerous international standards in the field of the administration of justice, such as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 50/ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 51/ and the safeguards guaranteeing protection of the rights of those facing the death penalty, 52/ as well as the Basic Principles on the Independence of the Judiciary, 53/ the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners, 54/ as well as the Code of

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46/ Resolution 217 A (III).

47/ Resolution 2200 A (XXI), annex.

48/ Resolution 39/46, annex.

49/ Resolution 2106 A (XX), annex.

50/ Resolution 43/173, annex.

51/ Resolution 40/34, annex.

52/ Economic and Social Council resolution 1984/50, annex.

53/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2.

54/ Ibid., sect. D.1.

Conduct for Law Enforcement Officials 55/ and the Standard Minimum Rules for the Treatment of Prisoners, 56/

Reaffirming also in this context the importance of the principles contained in its resolution 41/120 of 4 December 1986 on standard-setting in the field of human rights,

Recognizing the important contribution of the Commission on Human Rights in the field of human rights in the administration of justice, as reflected in its resolutions 1990/81 of 7 March 1990 on human rights in the administration of justice, 1990/33 of 2 March 1990 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, 1990/35 of 2 March 1990 on compensation for victims of gross violations of human rights, 1990/37 on the use of force by law enforcement officials of 6 March 1990 and 1990/51 of 6 March 1990 on summary or arbitrary executions, 57/

Welcoming resolution 1990/33 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission adopted a draft declaration on the protection of all persons from enforced or involuntary disappearances, and invited the Commission on Human Rights to consider the draft declaration as a matter of high priority at its forty-seventh session,

Also welcoming the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers as described in Sub-Commission resolution 1990/23, and encouraging the Sub-Commission, in giving further consideration to the question of the independence and impartiality of the judiciary and the independence of lawyers, to take into account the basic principles adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 58/

Welcoming further the progress achieved by the Sub-Commission on the subject of compensation for victims of gross violation of human rights,

Recognizing the significant work accomplished in this area under the United Nations crime prevention and criminal justice programme, especially by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in particular in relation to the formulation and application of United Nations standards and norms in the administration of justice under item 7 of its agenda,

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55/ Resolution 34/169, annex.

56/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

57/ Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II.A.

58/ See A/CONF.144/28.

READEX FICHE

Underlining the need for further co-ordinated and concerted action in promoting respect for human rights in the administration of justice,

Recalling its resolution 44/162 of 15 December 1989,

1. Reaffirms the importance of the full and effective implementation of United Nations norms and standards on human rights in the administration of justice;

2. Once again calls upon all States to pay due attention to those norms and standards in developing national or regional strategies for their practical implementation and to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as for adequate financial resources to ensure more effective implementation of these norms and standards;

3. Takes note with appreciation of the recommendations made by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders with a view to ensuring more effective application of existing standards, in particular the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials, the safeguards guaranteeing the rights of those facing the death penalty, the Standard Minimum Rules for the Administration of Juvenile Justice, 56/ the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Basic Principles on the Independence of the Judiciary;

4. Welcomes the Basic Principles on the Role of Lawyers, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Guidelines on the Role of Prosecutors, the Basic Principles for the Treatment of Prisoners, the Standard Minimum Rules for Non-custodial Measures and the Rules for the Protection of Juveniles Deprived of their Liberty, unanimously adopted by the Eighth United Nations Congress, and invites Governments to respect them and to take them into account within the framework of their national legislation and practice;

5. Welcomes the model treaty on the transfer of supervision of offenders conditionally sentenced or conditionally released 59/ and the recommendations on the treatment of foreign prisoners adopted unanimously by the Eighth Congress, and invites Member States to take them into account as well as the model agreement on the transfer of foreign prisoners 60/ in establishing treaty relations with other Member States or in revising existing treaty relations;

6. Endorses Economic and Social Council resolution 1990/21 of 24 May 1990 on the implementation of United Nations standards and norms in crime prevention and criminal justice;

59/ A/CONF.144/28, chap. I, sect. A.

60/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1).

7. Requests the Commission on Human Rights, bearing in mind the work of the Committee on Crime Prevention and Conrol, to invite the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

(a) To study the implementation of United Nations norms and standards in this field;

(b) To identify problems that may impinge on the effective implementation of these standards and norms;

(c) To recommend viable solutions with action-oriented proposals to the Commission;

8. Requests the Secretary-General:

(a) To provide the necessary compilatory and analytical documentation to the Sub-Commission for these tasks;

(b) To prepare, on the basis of comments by Member States and relevant international organizations and bodies, as well as non-governmental organizations, a draft model text for national legislation in the field of human rights in the administration of justice;

(c) To co-ordinate these activities of the Commission on Human Rights and its Sub-Commission with the relevant activities of the Committee on Crime Prevention and Control;

(d) To invite those Member States and international organizations and bodies that have not yet done so to comment on the aspects of human rights issues in the field of administration of justice they deem relevant to the work of the Sub-Commission;

9. Requests the Commission on Human Rights to invite the Sub-Commission to consider this draft model with a view to a further elaboration of model texts and to propose such texts to the Commission for adoption;

10. Requests the Secretary-General:

(a) To continue to assist Member States, at their request, in implementing existing international human rights standards in the administration of justice, in particular under the programme of advisory services;

(b) To continue to provide all necessary support to United Nations bodies working on standard-setting in this field;

(c) To continue to co-ordinate the various technical advisory services carried out by the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs of the Secretariat with a view to undertaking joint programmes and strengthening existing mechanisms for the protection of human rights in the administration of justice;

11. Emphasizes the important role of the regional commissions, specialized agencies and the United Nations institutes in the area of human rights and crime prevention and criminal justice and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

12. Decides to consider at its forty-sixth session the question of human rights in the administration of justice on the basis of a report of the Secretary-General on the implementation of the present resolution.

DRAFT RESOLUTION XVII

Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights, in particular resolutions 43/140 and 43/152 of 8 December 1988,

Recalling that, in its resolution 43/152, the General Assembly invited the Secretary-General to submit to the Assembly at its forty-fifth session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of that resolution,

Recalling Commission on Human Rights resolution 1989/72 of 8 March 1989 61/ and taking note of Commission resolution 1990/58 of 7 March 1990 62/ concerning advisory services in the field of human rights,

Recalling also Commission on Human Rights resolution 1989/50 of 7 March 1989 61/ and taking note of Commission resolution 1990/71 of 7 March 1990 62/ concerning regional arrangements for the promotion and protection of human rights in the Asian-Pacific region,

Having considered the report of the Secretary-General on regional arrangements for the promotion and protection of human rights, 63/

61/ Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

62/ Ibid., 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

63/ A/45/348.

Noting with satisfaction the progress achieved so far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Reaffirming that regional arrangements for the promotion and protection of human rights may make a major contribution to the effective enjoyment of human rights and fundamental freedoms and that the exchange of information and experience in this field among the regions, within the United Nations system, may be improved,

Bearing in mind that regional instruments should complement the universally accepted human rights standards and that the persons chairing the human rights treaty bodies of the United Nations noted during their third meeting, held at Geneva from 1 to 5 October 1990, that certain inconsistencies between provisions of international instruments and those of regional instruments might raise difficulties with regard to their implementation, 64/

1. Takes note of the report of the Secretary-General;

2. Notes with interest that various contacts between regional bodies and commissions and the United Nations have continued to be pursued and strengthened through advisory services and technical assistance activities, particularly those relating to the organization of regional and subregional training courses in the field of human rights;

3. Welcomes in that respect the close co-operation given by the Centre for Human Rights of the Secretariat in the organization of the training courses or workshops that, as mentioned by the Secretary-General, took place at Banjul, Brasilia, Buenos Aires, Castelgandolfo, Kiev, Manila, Moscow, Quito and San Remo; 65/

4. Welcomes also the assistance of the Centre for Human Rights in the establishment of the African Centre for Democracy and Human Rights Studies at Banjul, welcomes further its co-operation with the Economic and Social Commission for Asia and the Pacific, the International Institute for Human Rights at Strasbourg and the Inter-American Institute for Human Rights at San José and finally welcomes its technical assistance provided to the Arab Institute of Human Rights at Tunis;

5. Requests the Secretary-General to continue encouraging these developments;

6. Notes with interest in this regard the announcement by the Secretary-General in the proposed medium-term plan for the period 1992-1997 that efforts would be made to strengthen exchanges between the United Nations and

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64/ A/45/636, annex, para. 27.

65/ A/45/348, sect. II.

regional intergovernmental bodies dealing with human rights issues 66/ and that it might be expected that during the medium-term plan period more national, regional and subregional workshops and training courses would be organized for administrators of justice and government officials engaged in the implementation of international conventions on human rights, and that more countries in all regions of the world would develop forms of co-operation and assistance with the Centre for Human Rights, in keeping with their specific needs; 67/

7. Invites States in areas where regional arrangements in the field of human rights do not yet exist to consider agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

8. Endorses the appeal made to all Governments in Commission on Human Rights resolutions 1989/72 and 1990/58, to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national level for appropriate government personnel on the application of international human rights standards and the experience of relevant international organs;

9. Requests the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations;

10. Invites the Secretary-General to submit to the Commission on Human Rights at its forty-eighth session and to the General Assembly at its forty-seventh session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of the present resolution;

11. Decides to consider this question further at its forty-seventh session.

DRAFT RESOLUTION XVIII

Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The General Assembly,

Recalling its previous resolutions, in particular resolution 43/140 of 8 December 1988, on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region,

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66/ A/45/6 (Prog. 35), para. 35.26.

67/ Ibid., para. 35.33.

Recognizing that regional arrangements make a major contribution to the promotion and protection of human rights and that non-governmental organizations may have a valuable role to play in this process,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Reiterating its appreciation for the report of the Seminar on National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region, held at Colombo from 21 June to 2 July 1982, 68/ the comments on the report of the Seminar received from the Economic and Social Commission for Asia and the Pacific and from States members of the Commission, 69/ and the report of the Secretary-General on the training course on human rights teaching held at Bangkok from 21 June to 2 July 1987 under the United Nations programme of advisory services in the field of human rights, 70/

Noting also the designation of the Social Development Division of the Economic and Social Commission for Asia and the Pacific as a regional human rights focal point,

Recalling Commission on Human Rights resolution 1989/50 of 7 March 1989 71/ and taking note of Commission resolution 1990/71 of 7 March 1990, 72/

1. Takes note of the report of the Secretary-General; 73/

2. Welcomes the designation of the library of the Economic and Social Commission for Asia and the Pacific as a depository centre for United Nations human rights materials within the Commission at Bangkok, the functions of which would include the collection, processing and dissemination of such materials in the Asian and Pacific region;

3. Renews its invitation to States members of the Economic and Social Commission for Asia and the Pacific that have not yet done so to communicate to the Secretary-General as soon as possible their comments on the report of the Seminar on National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region and, in particular, to address themselves to the

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68/ A/37/422, annex.

69/ See A/39/174-E/1984/38 and Add.1 and E/CN.4/1986/19.

70/ E/CN.4/1988/39/Add.1.

71/ Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

72/ Ibid., 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

73/ A/45/210-E/1990/2.

conclusions and recommendations in the report concerning the development of regional arrangements in Asia and the Pacific;

4. Requests the Secretary-General to ensure a continuing flow of human rights material to the library of the Economic and Social Commission for Asia and the Pacific at Bangkok for appropriate dissemination in the region;

5. Notes the efforts of United Nations development agencies in the Asian and Pacific region to promote the human rights dimension more actively and systematically in their development activities;

6. Encourages United Nations development agencies in the Asian and Pacific region to co-ordinate with the Economic and Social Commission for Asia and the Pacific their efforts to promote the human rights dimension in their activities;

7. Notes that an Asian-Pacific Workshop for Administrators of Justice on international human rights issues, including regional and national institutions and arrangements for the promotion and protection of human rights, was held at Manila from 7 to 11 May 1990, within the framework of the advisory services and technical assistance programme and the world public information campaign on human rights;

8. Requests the Secretary-General to submit a report to the General Assembly at its forty-seventh session, through the Economic and Social Council, incorporating information on progress achieved in the implementation of the present resolution;

9. Decides to continue its consideration of the question at its forty-seventh session.

DRAFT RESOLUTION XIX

International co-operation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms

The General Assembly,

Recalling its resolutions 41/155 of 4 December 1986 and 43/155 of 8 December 1988, as well as Commission on Human Rights resolutions 1987/42 of 10 March 1987 and 1989/49 of 7 March 1989,

Conscious that it is a purpose of the United Nations and the task of all Member States to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Desirous of achieving further progress in promoting and encouraging respect for human rights and fundamental freedoms,

Considering that special emphasis should be put on the effective implementation of the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 74/ the International Covenant on Civil and Political Rights, 75/ the International Covenant on Economic, Social and Cultural Rights, 75/ and other relevant international instruments,

Convinced that the effectiveness of United Nations human rights instruments would be enhanced by universal adherence to them as well as by strict compliance of States parties with their obligations,

Considering that existing regional arrangements for the promotion and protection of human rights make a major contribution to the effective enjoyment of human rights and fundamental freedoms and that the exchange of information and experience in this field, as well as human rights teaching, could be further improved,

Emphasizing the necessity for the international community to continue its efforts to take practical measures to prevent mass and flagrant violations and all other violations of human rights, including all forms of discrimination based on distinctions of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, which continue to take place in many parts of the world, contrary to the provisions of international instruments in the field of human rights,

Noting the importance that the promotion and protection of human rights have secured on the international agenda and in relations between States,

1. Calls upon Member States to implement fully the universally recognized international standards for the promotion and protection of human rights enshrined, in particular, in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments;

2. Urges all States to co-operate fully with the relevant bodies of the United Nations system and other intergovernmental forums dealing with the promotion and protection of human rights and fundamental freedoms in any part of the world;

3. Considers that such co-operation will make an effective and practical contribution to the implementation of human rights and fundamental freedoms for all;

74/ Resolution 217 A (III).

75/ Resolution 2200 A (XXI), annex.

4. Expresses its conviction that the promotion of and respect for human rights and fundamental freedoms, as well as the implementation of universally recognized human rights standards, are particularly important for all countries;

5. Urges Member States that have not yet done so to consider ratifying or acceding to the various international instruments in the field of human rights;

6. Recognizes the value of common efforts by Governments and intergovernmental and non-governmental organizations at international, regional, bilateral and national levels in the field of human rights;

7. Considers that the world public information campaign on human rights would contribute to the promotion and improvement of understanding of human rights;

8. Emphasizes that the wide dissemination of information on human rights and the teaching of human rights are important tasks and would contribute to the implementation of universally recognized international human rights standards;

9. Decides to continue the consideration of this question at its forty-seventh session under the item entitled "Report of the Economic and Social Council".

DRAFT RESOLUTION XX

The situation of human rights in occupied Kuwait

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 76/ the International Covenants on Human Rights 77/ and the Geneva Conventions of 12 August 1949, 78/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil obligations they have freely undertaken under the various international instruments,

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76/ Resolution 217 A (III).

77/ See resolution 2200 A (XXI), annex.

78/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

Condemning the invasion of Kuwait on 2 August 1990 by the military forces of Iraq,

Noting with grave concern that the Iraqi forces in occupied Kuwait continue to commit acts of violence, leaving large numbers of victims and causing enormous human suffering to the civilian population,

Noting also with grave concern that the treatment of prisoners of war and detained civilians in occupied Kuwait does not conform to the internationally recognized principles of humanitarian law,

Expressing grave concern at the continued refusal of Iraq to receive representatives of humanitarian organizations, especially representatives of the International Committee of the Red Cross and a representative of the Secretary-General, to help in extending humanitarian assistance to the Kuwaiti people under occupation,

1. Condemns the Iraqi authorities and occupied forces for their serious violations of human rights against the Kuwaiti people and third-State nationals and in particular the continued and increasing acts of torture, arrests, summary executions, disappearances and abduction in violation of the Charter of the United Nations, the International Covenants on Human Rights, other relevant human rights instruments and the relevant instruments of humanitarian law;

2. Affirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, 79/ applies to Kuwait and that as a high contracting party to the Convention Iraq is bound to comply fully with all its terms and in particular is liable under the Convention in respect of the grave breaches committed by it, as are individuals who commit or order the commission of such breaches;

3. Expresses its serious concern about the systematic dismantling and pillaging of and attacks on the economic infrastructure of Kuwait, which seriously undermine the present and future enjoyment by the Kuwaiti people of their economic, social and cultural rights;

4. Expresses its grave concern at the living conditions in occupied Kuwait, especially those of women, children, elderly and third-State nationals, which are becoming increasingly difficult;

5. Expects Iraq to guarantee respect for international standards applicable under international law, in particular with reference to the protection of the civilian population, and demands that Iraq co-operate fully with and give access to Kuwait to representatives of humanitarian organizations, especially the International Committee of the Red Cross, working to alleviate the suffering of the civilian population in occupied Kuwait;

79/ Ibid., No. 973.

6. Expects Iraq to comply with its obligations under the Charter and international law in respect of third-State nationals, and demands that Iraq release all nationals of third States;

7. Urges Iraq to treat all prisoners of war and detained civilians in accordance with the internationally recognized principles of humanitarian law and to protect them from all acts of violence, including ill-treatment, torture and summary execution;

8. Condemns the rejection by Iraq of the offer of the Government of Kuwait to send humanitarian assistance, especially medicine, to the Kuwaiti people under occupation;

9. Requests the Commission on Human Rights at its forty-seventh session to consider the situation of human rights in occupied Kuwait;

10. Decides to keep under consideration the situation of human rights in occupied Kuwait.

DRAFT RESOLUTION XXI

Assistance to student refugees in southern Africa

The General Assembly,

Recalling its resolution 44/157 of 15 December 1989, in which it, inter alia, requested the United Nations High Commissioner for Refugees, in co-operation with the Secretary-General, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from South Africa and Namibia who had been granted asylum in Botswana, Lesotho, Swaziland and Zambia,

Having considered the report of the Secretary-General, 80/

Noting with appreciation that some of the projects recommended in the report continue to be successfully implemented,

Noting with concern that the discriminatory and repressive policies that continue to be applied in South Africa cause a continued and increasing influx of student refugees into Botswana, Lesotho, Mozambique, Swaziland, Zambia and Zimbabwe,

Conscious of the burden placed on the limited financial, material and administrative resources of the host countries by the increasing number of student refugees,

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80/ A/45/448.

Appreciating the efforts of the host countries to deal with their student refugee populations, with the assistance of the international community,

1. Takes note with satisfaction of the report of the Secretary-General;

2. Expresses its appreciation to the Governments of Botswana, Lesotho, Mozambique, Swaziland, Zambia and Zimbabwe for granting asylum and making educational and other facilities available to the student refugees, in spite of the pressure that the continuing influx of those refugees exerts on facilities in their countries;

3. Also expresses its appreciation to the Governments of Botswana, Lesotho, Mozambique, Swaziland, Zambia and Zimbabwe for the co-operation that they have extended to the United Nations High Commissioner for Refugees on matters concerning the welfare of the refugees;

4. Notes with appreciation the financial and material support provided for the student refugees by Member States, the Office of the United Nations High Commissioner for Refugees, other bodies of the United Nations system and intergovernmental and non-governmental organizations;

5. Requests the High Commissioner, in co-operation with the Secretary-General, to continue to organize and implement an effective programme of educational and other appropriate assistance for student refugees from South Africa, who have been granted asylum in Botswana, Lesotho, Mozambique, Swaziland, Zambia and Zimbabwe;

6. Also requests the High Commissioner, in co-operation with the Secretary-General, to continue the sponsorship of Namibian students still studying under programmes of the High Commissioner until they complete their studies;

7. Urges all Member States and intergovernmental and non-governmental organizations to continue contributing generously to the assistance programme for student refugees, through financial support of the regular programmes of the High Commissioner and of the projects and programmes, including unfunded projects, that were submitted to the Second International Conference on Assistance to Refugees in Africa, held at Geneva from 9 to 11 July 1984; 81/

8. Also urges all Member States and all intergovernmental and non-governmental organizations to assist the countries of asylum materially and otherwise to enable them to continue to discharge their humanitarian obligations towards refugees;

9. Appeals to the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and all other competent United Nations bodies, as well as other international and non-governmental organizations,

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81/ See A/CONF.125/1, para. 33.

to continue providing humanitarian and development assistance so as to facilitate and expedite the settlement of student refugees from South Africa who have been granted asylum in Botswana, Lesotho, Mozambique, Swaziland, Zambia and Zimbabwe;

10. Calls upon agencies and programmes of the United Nations systems to continue co-operating with the Secretary-General and the High Commissioner in the implementation of humanitarian programmes of assistance for the student refugees in southern Africa;

11. Requests the High Commissioner, in co-operation with the Secretary-General, to continue to keep the matter under review, to apprise the Economic and Social Council, at its second regular session of 1991, of the current status of the programmes and to report to the General Assembly at its forty-sixth session on the implementation of the present resolution.

DRAFT RESOLUTION XXII

Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 82/ the International Covenant on Civil and Political Rights, 83/ the International Covenant on Economic, Social and Cultural Rights, 84/ and the humanitarian rules laid down in the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto, of 1977, 85/ instruments through which States have undertaken to promote and protect human rights and fundamental freedoms and to fulfil the obligations entered into under those international instruments,

Bearing in mind Commission on Human Rights resolution 1990/77 of 7 March 1990 86/ which extended the mandate of the Special Representative for another year and requested him to report to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-seventh session,

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82/ Resolution 217 A (III).

83/ Resolution 2200 A (XXI), annex.

84/ United Nations, Treaty Series, vol. 75, Nos. 970 to 973.

85/ Ibid., vol. 1125, No. 17513.

86/ Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

Taking into account the commitments made by the Central American Presidents in various joint statements with a view to the promotion, respect and exercise of human rights and fundamental freedoms,

Taking note that, in accordance with Security Council resolution 637 (1989) of 27 July 1989, the Secretary-General has continued to provide his good offices for the holding of talks between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

Deeply concerned by the persistence of the armed conflict in El Salvador throughout 1990 to date and by the recent escalation of violence initiated by the Frente Farabundo Martí para la Liberción Nacional, activities which continue to beleaguer the civil population in the form of air raids, detonation of explosive devices in urban areas, and attacks on the economic infrastructure,

Taking note of the results achieved in the rounds of negotiations conducted so far, in particular the Agreement signed between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional at Geneva on 4 April 1990 and the Agreement, signed at Caracas on 21 May 1990, which establishes an agenda and a timetable for negotiations designed to achieve the initial objective of political agreements for arranging a halt to the armed confrontation and any acts that infringe the rights of the civilian population,

Welcoming the Agreement on human rights, signed by the two parties at San José on 26 July 1990, 87/ containing commitments concerning the respect and guarantee of human rights which are to enter into force immediately, and on the terms of reference for the United Nations human rights verification mission,

Concerned that, despite the reduction in the number of violations of human rights and despite the efforts made by the two parties to improve the situation of human rights, numerous and serious politically motivated violations of human rights and of the humanitarian rules of warfare persist in El Salvador,

Likewise concerned that many sources continue to attribute summary executions and other serious violations of human rights to the so-called "death squads",

1. Commends the Special Representative of the Commission on Human Rights for his report on the situation of human rights in El Salvador, 88/ endorses the recommendations contained therein and requests him to update the report in the light of the situation in that country;

2. Expresses its satisfaction at the agreement signed at Geneva on 4 April 1990 between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, which sets in motion a negotiating process under the auspices and with the active participation of the Secretary-General, with a

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87/ See A/44/971-S/21541, annex.

88/ A/45/630.

view to ending the armed conflict through political means as speedily as possible, promoting the democratization of the country, guaranteeing unrestricted respect for human rights, and reunifying Salvadorian society;

3. Takes note that the two parties, when adopting the general agenda of the negotiating process at Caracas on 21 May 1990, agreed that the initial objective would be, first, to secure political agreements on the armed forces, human rights, the judicial system, the electoral system, constitutional reform, the economic and social problem, and verification by the United Nations and, second, to achieve agreements for arranging a halt to the armed confrontation and any acts that infringe the rights of the civilian population, all of which will have to be verified by the United Nations subject to the approval of the Security Council;

4. Expresses its profound satisfaction at the Agreement on human rights, adopted in Costa Rica on 26 July 1990, during the third round of talks between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, which constitutes the first substantive agreement between the parties, and urges them to take the action and measures necessary for its implementation;

5. Supports fully the work of intermediation which is being carried out by the Secretary-General and his Personal Representative in the search for a negotiated political solution to the Salvadorian conflict;

6. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to make the greatest possible efforts to carry out all the political agreements announced at Geneva and Caracas, taking particularly into account the proposals of the Secretary-General for facilitating the negotiating process and achieving a just and lasting peace in El Salvador in the shortest possible time;

7. Expresses its deep concern about the persistence of politically motivated violations of human rights in El Salvador, such as summary executions, torture, abductions and enforced disappearances, and about the atmosphere of intimidation in which certain sectors of the population live;

8. Also expresses its deep concern that the capacity of the judicial system continues to be unsatisfactory, as a result of which the competent authorities must accelerate the adoption of the reforms and measures necessary for ensuring the effectiveness of the system;

9. Deplores therefore the irregularities in the judicial proceedings in connection with the assassination of the Rector and other members of the Central American University in 1989 and the lack of co-operation on the part of certain sectors of the armed forces which has impeded full clarification of such an abominable crime and the punishment of the guilty persons, as described in the report of the Special Representative;

10. Renews its appeal to the competent organs and organizations of the United Nations system that, on the basis of Commission on Human Rights resolution 1990/77 of 7 March 1990 and of its own resolution 44/165 of 15 December 1989, they provide

the advice and assistance that the Government of El Salvador may request in order to enhance the promotion and protection of human rights and fundamental freedoms;

11. Requests the Commission on Human Rights at its forty-seventh session to consider the situation of human rights in El Salvador, taking into account the evolution of the situation of human rights in that country and developments in the implementation of all the agreements adopted by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, as well as the agreements signed by the Central American Presidents in the context of the regional peace-making process;

12. Requests the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to continue their dialogue and foster agreements with a view to a firm and lasting peace, and to continue co-operating with the Special Representative of the Commission on Human Rights;

13. Decides to keep under consideration, during its forty-sixth session, the situation of human rights and fundamental freedoms in El Salvador in order to re-examine this situation in the light of the information provided by the Commission on Human Rights and the Economic and Social Council.

DRAFT RESOLUTION XXIII

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 89/ and the International Covenants on Human Rights, 90/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its resolution 44/163 of 15 December 1989 and Commission on Human Rights resolution 1990/79 of 7 March 1990, 91/

Mindful of Commission on Human Rights resolution 1990/76 of 7 March 1990, entitled "Co-operation with representatives of United Nations human rights bodies" and Economic and Social Council resolution 1990/48 of 25 May 1990,

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89/ Resolution 217 A (III).

90/ See resolution 2200 A (XXI), annex.

91/ See Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

Welcoming the two visits paid by the Special Representative of the Commission to the Islamic Republic of Iran during the course of 1990 and the two reports 92/ presented pursuant to those visits, which have provided useful information and clarified a number of allegations about the situation of human rights in the Islamic Republic of Iran,

Noting the findings of the Special Representative on the situation of the Baha'is in the Islamic Republic of Iran,

1. Takes note with appreciation of the reports by the Special Representative presented in 1990, including the observations contained therein, and notes with concern the allegations of violations of human rights contained in these reports;

2. Calls upon the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in his observations, in particular as regards the administration of justice and due process of law in order to comply with international instruments on human rights, including the International Covenant on Civil and Political Rights, 90/ to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

3. Welcomes the decision of the Iranian Government to invite the International Committee of the Red Cross to visit prisons in the Islamic Republic of Iran and urges the competent officials to implement this decision as soon as possible by concluding an agreement in accordance with standard Red Cross procedures;

4. Notes that the co-operation of the Islamic Republic of Iran with the Special Representative has improved, including by replying to allegations that have been transmitted to it, and urges the Government to reply in detail to all allegations referred to by the Special Representative;

5. Requests the Secretary-General to respond favourably, in accordance with the normal practices of the Centre for Human Rights, to requests for technical assistance from the Government of the Islamic Republic of Iran;

6. Also requests the Secretary-General to give the Special Representative all the necessary assistance to carry out his mandate;

7. Notes that the Commission on Human Rights will consider the situation of human rights in the Islamic Republic of Iran at its forty-seventh session and will refer the question, as appropriate, to the General Assembly at its forty-sixth session.

92/ E/CN.4/1990/24 and A/45/697.

DRAFT RESOLUTION XXIV

Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 93/ the International Covenants on Human Rights 94/ and the humanitarian rules set out in the Geneva Conventions of 12 August 1949 95/ and the Additional Protocols thereto, of 1977, 96/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its relevant resolutions as well as resolutions of the Commission on Human Rights and decisions of the Economic and Social Council,

Taking note in particular of Commission on Human Rights resolution 1990/53 of 6 March 1990, 97/ in which the Commission decided to extend the mandate of its Special Rapporteur for one year and requested him to report to the General Assembly at its forty-fifth session on the situation of human rights in Afghanistan,

Emphasizing the relevance and validity for all parties concerned of the Agreements on the Settlement of the Situation Relating to Afghanistan, concluded at

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93/ Resolution 217 A (III).

94/ See resolution 2200 A (XXI), annex.

95/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

96/ Ibid., vol. 1125, Nos. 17512 and 17513.

97/ Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

Geneva on 14 April 1988, 98/ which constitute an important step towards a comprehensive political solution,

Noting with deep concern that a situation of armed conflict continues to exist in Afghanistan, that acts of terrorism against civilians have significantly increased, that the treatment of prisoners detained in connection with the conflict does not conform to the humanitarian rules set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, that more than 5 million refugees are living outside Afghanistan and that many Afghans are displaced within the country,

Aware that the reasons given by the refugees for not returning to Afghanistan, pending the achievement of a comprehensive political solution and the establishment of a broad-based government, include the continued fighting in some provinces, the use of very destructive arms in the conflict, the minefields that have been laid in many parts of the country, the lack of an effective authority in many areas and other obstacles that would be encountered by refugees in returning to Afghanistan,

Taking note with appreciation of the interim report of the Special Rapporteur 99/ and of the conclusions and recommendations contained therein,

1. Welcomes the co-operation of the Afghan authorities with the Special Rapporteur on the situation of human rights in Afghanistan;

2. Welcomes the co-operation that the Afghan authorities have extended to international organizations, in particular the Co-ordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan, the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Welcomes the fact that the Special Rapporteur was able to visit areas in Afghanistan not under government control;

4. Urges all parties concerned to work for the achievement of a comprehensive political solution based on the free exercise of the right to self-determination by the people of Afghanistan through democratic procedures acceptable to the Afghan people, including free and fair elections, and the creation of conditions conducive to the return of refugees to their homeland in safety and honour and the full enjoyment of human rights and fundamental freedoms by all Afghans;

5. Also urges all parties to the conflict to respect the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, to halt the use of weapons against the civilian population, to protect all prisoners from acts of reprisals and violence, including ill-treatment, torture and summary execution, to

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98/ S/19835, annex I.

99/ A/45/664.

transmit to the International Committee of the Red Cross the names of all prisoners, as well as to grant to that Committee unrestricted access to all parts of the country and the right to visit all prisoners in accordance with its established criteria;

6. Calls upon the Afghan authorities to investigate thoroughly the fate of disappeared persons, to apply amnesty decrees equally to foreign detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, 100/ and to apply to all convicted persons article 14, paragraphs 3 (d) and 5, of the International Covenant on Civil and Political Rights; 94/

7. Notes with concern the allegations of atrocities committed against Afghan soldiers, civil servants and captured civilians;

8. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;

9. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to co-operate fully, especially on the subject of mine detection, in order to facilitate the return of refugees and displaced persons to their homes in safety and honour, in conformity with the Agreements on the Settlement of the Situation Relating to Afghanistan;

10. Urgently appeals to all Member States and humanitarian organizations to promote the implementation of the projects envisaged by the Co-ordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

11. Urges all parties concerned to extend their full co-operation to the Commission on Human Rights and its Special Rapporteur;

12. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

13. Decides to keep under consideration, during its forty-sixth session, the situation of human rights in Afghanistan in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

* * *

110. The Third Committee also recommends to the General Assembly the adoption of the following draft decisions:

100/ See Human Rights: A compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

DRAFT DECISION I

United Nations Voluntary Fund for Indigenous Populations

The General Assembly,

Taking note of the report of the Secretary-General 101/ on the status of the United Nations Voluntary Fund for Indigenous Populations, decides:

(a) To call upon Governments, non-governmental organizations and representatives of indigenous groups to consider contributions to the Fund and to disseminate widely information about the activities of the Fund;

(b) To request the Secretary-General to report to the General Assembly at its forty-seventh session on the status of the United Nations Voluntary Fund for Indigenous Populations.

DRAFT DECISION II

Non-discrimination and protection of minorities

The General Assembly,

Welcoming the completion at first reading of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, and the decision by the Economic and Social Council to request the Secretary-General to provide the open-ended working group of the Commission on Human Rights with all the assistance it may require for the continuation of its drafting work, decides:

(a) To encourage the Commission on Human Rights to complete the final text of the draft declaration as soon as possible, and to transmit it to the General Assembly through the Economic and Social Council;

(b) To defer its consideration of the draft resolution entitled "Non-discrimination and protection of minorities" 102/ until its forty-sixth session and to continue its discussion of these questions at that time under the item entitled "Report of the Economic and Social Council".

101/ A/45/698.

102/ A/C.3/45/L.83.

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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the Third Committee (Part II)

Rapporteur: Mr. Mario DE LEON (Philippines)

I. INTRODUCTION

1. The Third Committee considered the question of the rationalization of the work of the Third Committee at its 2nd, 3rd and 63rd meetings, on 24 September, 8 October and 5 December 1990. An account of the Committee's discussions of the question is contained in the relevant summary records (A/C.3/45/SR.2, 3 and 63).

2. For its consideration of the question, the Committee had before it, in pursuance of General Assembly decision 44/435 of 15 December 1989, the text of a draft decision entitled "Programme of work of the Third Committee", transmitted to it by a note by the Secretariat (A/C.3/45/L.2), and the summary records of the meetings of the Third Committee at the forty-fourth session of the Assembly at which the draft decision had been discussed. 1/ The text of the draft decision (A/C.3/45/L.2, annex) read as follows:

> "The General Assembly decides to consider the following items every two years beginning at its forty-first session:
>
> "85. Question of aging.
>
> "90. Implementation of the World Programme of Action concerning Disabled Persons and the United Nations Decade of Disabled Persons.

1/ Official Records of the General Assembly, Forty-fourth Session, Third Committee, 60th and 61st meetings, and corrigendum.

"94. Elimination of all forms of religious intolerance.

"95. Human rights and scientific and technological developments.

"101. Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms (with the exception of the question related to the right of development)."

3. At its 2nd meeting, on 24 September, the Third Committee decided to establish an open-ended Working Group on the Rationalization of the Work of the Third Committee, under the chairmanship of the Chairman of the Third Committee, Mr. Juan O. Somavia (Chile), to consider appropriate ways and means of rationalizing the Committee's programme of work, including existing proposals (see A/C.3/45/L.2, annex).

4. The Working Group held 3 formal meetings, on 9 and 15 October and 28 November, and 10 informal meetings, on 25 October, 1, 7, 8, 9, 13, 15, 20, 21 and 26 November 1990.

5. In considering the matter, the Working Group examined all aspects of the work programme of the Committee, including its substantive agenda, administrative and organizational matters and the role of the Secretariat in facilitating the work of the Committee.

6. It was agreed that the primary focus of the rationalization exercise would not be simply to reduce the Committee's agenda, but to reorganize its work in a manner that would improve both the quality of debates and the impact of its deliberations and decisions, given the significance of the issues entrusted to the Committee. Discussion of issues, including the length and quality of interventions and debates, clustering of items, more succinct and relevant resolutions, distribution of interventions in the Committee and an overall general discussion of the world social situation were all approached in that light.

7. It was further considered that drawing up a draft new structure for the Committee's agenda would require co-operation and compromise on the part of all delegations, particularly those which were principal sponsors of the various draft resolutions. It was agreed that any decision to biennialize resolutions or items must be part of a general overall agreement encompassing all items on the Committee's agenda. It was also agreed, in that regard, that delegations would not be prevented from submitting resolutions, on the understanding that the proliferation of resolutions would not be encouraged, and that decisions to present resolutions should take into account international years, decades, world conferences, congresses, anniversaries, and reviews and appraisals.

8. With regard to the responsibilities of the Secretariat, it was considered that a longer period between reports and a reduction in the number of requests for reports would enhance the quality and substance of the reports of the Secretary-General.

9. The Working Group stressed that the greatest degree of flexibility would have to be exercised in carrying out any decisions of the Third Committee on rationalization, particularly in its initial stages. In that connection, it was agreed that the programme of work of the Committee would be reviewed and approved on an annual basis to permit necessary adjustments.

10. It was the understanding of the Working Group that reports of all treaty bodies would, in accordance with their respective legislative mandates, be submitted to the General Assembly annually. Substantive resolutions on those reports would be adopted biennially. In alternate years, the Committee would simply take note of the reports unless more substantive action was deemed appropriate.

11. Except where agreed, requests for status reports on treaties should be made biennially. Such requests should not be contained in a separate resolution but should be incorporated in the substantive resolutions concerning the reports of the treaty bodies.

12. It was also agreed that the items on racism and racial discrimination and self-determination would continue to be discussed jointly.

13. Bearing in mind the aforementioned understandings, the Working Group recommended to the Third Committee the adoption of sections I to III of its report (A/C.3/45/L.100), containing, respectively, the proposed structure of the agenda of the Third Committee, a draft biennial programme of work for the Third Committee for 1991 and 1992, based on the draft proposals adopted by the Third Committee at the forty-fifth session, and recommendations concerning organizational matters.

14. At the 63rd meeting, on 5 December, the Committee had before it the report of the Working Group on the Rationalization of the Work of the Third Committee (A/C.3/45/L.100).

15. At the same meeting, Mrs. A. Missouri Sherman-Peter (Bahamas), in her capacity as "facilitator" of the Informal Working Group, informed the Committee of the following changes to be made in the report, as a result of informal consultations held: in section I, relating to the proposed structure of the agenda of the Third Committee, the following words were to be added to the footnote pertaining to item 8, Human rights questions: "(This arrangement will be reviewed at the conclusion of the work of the Third Committee at the forty-sixth session of the General Assembly.)" She also drew attention to the following technical changes:

(a) In section I, sub-item 8 (b), a question entitled "Developments relating to the activities of the Centre for Human Rights" was to be added after "World conference on human rights";

(b) In section I, sub-item 8 (c), the entry, which read

"Annual

"Situation of human rights in Afghanistan

"Situation of human rights and fundamental freedoms in El Salvador

"Situation of human rights in the Islamic Republic of Iran",

was deleted.

16. At the same meeting, the Secretary of the Committee informed the Committee that, as a result of the adoption of draft resolution A/C.3/45/L.82/Rev.2, the entry in section II, sub-item 8 (b), relating to the "Report of the Secretary-General on strengthening the action of the United Nations in the human rights field through the promotion of international co-operation and the strict observance of the principle of non-intervention (A/C.3/45/L.82, para. 9)" was to be deleted.

17. At the same meeting, the Committee approved the recommendations of the Working Group as contained in its report (A/C.3/45/L.100), as orally revised.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.3/45/L.103

18. At the 63rd meeting, on 5 December, the Chairman introduced a draft resolution entitled "Rationalization of the work of the Third Committee" (A/C.3/45/L.103).

19. At the same meeting, the Committee adopted draft resolution A/C.3/45/L.103 without a vote (para. 22, draft resolution).

20. After the adoption of the draft resolution, the representative of Austria made a statement (see A/C.3/45/SR.63).

21. The Chairman of the Committee also made a statement (see A/C.3/45/SR.63).

III. RECOMMENDATION OF THE THIRD COMMITTEE

22. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

DRAFT RESOLUTION

Rationalization of the work of the Third Committee

The General Assembly,

Recalling its decision 44/435 of 15 December 1989, in which it decided to defer consideration of the draft decision entitled "Programme of work of the Third Committee" until its forty-fifth session, 2/

Recalling also that the Third Committee, at its organizational meeting on 24 September 1990, decided to establish an open-ended working group on the rationalization of the work of the Third Committee to consider appropriate ways and means of rationalizing the Committee's programme of work, including existing proposals, 3/

1. Takes note with appreciation of the report of the Working Group on the Rationalization of the Work of the Third Committee; 4/

2. Adopts the new proposed structure of the agenda of the Third Committee as contained in section I of the annex to the present resolution;

3. Approves its biennial programme of work for 1991 and 1992, as contained in section II of the annex;

4. Endorses the recommendations concerning organizational matters, as contained in section III of the annex;

5. Decides to implement the provisions of the present resolution beginning at its forty-sixth session;

6. Requests the Secretary-General to take the present resolution into account in drawing up future agendas of the General Assembly.

2/ See A/C.3/45/L.2.

3/ A/C.3/45/SR.2.

4/ A/C.3/45/L.100.

ANNEX

I. PROPOSED STRUCTURE OF THE AGENDA OF THE THIRD COMMITTEE

Item 1. Report of the Economic and Social Council [item 12].

Item 2. Elimination of racism and racial discrimination. 5/

Item 3. Right of peoples to self-determination. 5/

Item 4. Social development:

(a) Questions relating to the world social situation and to youth, aging, disabled persons and the family; 6/

(b) Crime prevention and criminal justice. 6/

Item 5. Advancement of women.

Item 6. Narcotic drugs.

Item 7. Report of the United Nations High Commissioner for Refugees; questions relating to refugees and displaced persons; and humanitarian questions:

(a) Report of the United Nations High Commissioner for Refugees; 7/

(b) Questions relating to refugees and displaced persons; 7/

(c) Humanitarian questions. 7/

Item 8. Human rights questions:

(a) Implementation of human rights instruments;

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms; 8/

5/ Items 2 and 3 to be discussed jointly.

6/ Sub-items (a) and (b) to be discussed separately.

7/ Sub-items (a), (b) and (c) to be discussed jointly.

8/ Sub-items (b) and (c) to be discussed jointly. (This arrangement will be reviewed at the conclusion of the work of the Third Committee at the forty-sixth session of the General Assembly.)

(c) Human rights situations and reports of special rapporteurs and representatives. 8/

Item 1. Report of the Economic and Social Council

Matters calling for action by the General Assembly (Third Committee) or brought to its attention

- Questions that do not fall within the purview of the other items on the agenda of the General Assembly allocated to the Third Committee

Item 2. Elimination of racism and racial discrimination 5/

Annual

Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

Report of the Committee on the Elimination of Racial Discrimination

Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

Biennial

Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (1992)

Status of the International Convention on the Elimination of All Forms of Racial Discrimination (1992)

Item 3. Right of peoples to self-determination 5/

Annual

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights

Universal realization of the right of peoples to self-determination

Use of mercenaries as a means to violate human rights and to impede the exercise of the right of people to self-determination (to be considered biennially after the entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries)

Item 4. Social development

(a) Questions relating to the world social situation and to youth, aging, disabled persons and the family 6/

Annual

World social situation 9/

Implementation of the International Plan of Action on Aging and related activities (biennial after 1993)

Implementation of the World Programme of Action concerning Disabled Persons and the United Nations Decade of Disabled Persons (biennial after end of Decade in 1992)

Biennial

Popular participation in its various forms as an important factor in development and in the full realization of all human rights (1993)

Achievement of social justice (1992)

Policies and programmes involving youth (1992)

International Year of the Family, 1994 (1991, 1993, 1994; thereafter, biennial, if necessary)

Implementation of the Guiding Principles for Development, Social Welfare Policies and Programmes in the Near Future (1991)

National experience in promoting the co-operative movement (1992)

International Literacy Year (1991)

9/ Year 1 (1991) Interim report on the world social situation and report of the Commission for Social Development.

Year 2 (1992) General debate on the basis of the report of the Economic and Social Council.

Year 3 (1993) Report on the world social situation and report of the Commission for Social Development.

Year 4 (1994) General debate on the basis of the report of the Economic and Social Council.

Every five years

Anniversary of the Declaration on Social Progress and Development (1994)

(b) Crime prevention and criminal justice 6/

Biennial

Crime prevention and criminal justice (1991, 1993)

International co-operation in combating organized crime (1992, 1994)

Every five years

Congress on the Prevention of Crime and the Treatment of Offenders (1995)

Item 5. Advancement of women

Annual

Implementation of the Nairobi Forward-looking Strategies for the Advancement of Women

Improvement of the status of women in the Secretariat

Biennial

United Nations Development Fund for Women (1991)

Convention on the Elimination of All Forms of Discrimination against Women (1992)

International Research and Training Institute for the Advancement of Women (1991)

National experience relating to the improvement of the situation of women in rural areas (1993)

Item 6. Narcotic drugs

Annual

Implementation of the global programme of action against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances

International action to combat drug abuse and illicit trafficking

Biennial

Implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1992)

Item 7. Report of the United Nations High Commissioner for Refugees; questions relating to refugees and displaced persons; and humanitarian questions 7/

(a) Report of the United Nations High Commissioner for Refugees 7/

Annual

Office of the United Nations High Commissioner for Refugees

(b) Questions relating to refugees and displaced persons 7/

Annual

International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa

International Conference on Central American Refugees

Assistance to student refugees in southern Africa

Situation of refugees in the Sudan

Assistance to refugees in Somalia

Assistance to voluntary returnees and displaced persons in Chad

Assistance to refugees and returnees in Ethiopia

Assistance to refugees and displaced persons in Malawi

Humanitarian assistance to refugees and displaced persons in Djibouti

Emergency humanitarian assistance to Liberian refugees and displaced persons

(c) Humanitarian questions 7/

Biennial

New international humanitarian order (1992)

Promotion of international co-operation in the humanitarian field (1992)

Humanitarian assistance to victims of natural disasters and similar emergency situations (1992)

Item 8. Human rights questions

(a) Implementation of human rights instruments 10/

Annual

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Convention on the Rights of the Child (biennial after 1992)

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (biennial after the entry into force of the Convention)

Biennial

Report of the Committee against Torture and status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1992)

International Covenants on Human Rights (1991)

Status of the Convention on the Prevention and Punishment of the Crime of Genocide (1992)

United Nations Voluntary Fund for Victims of Torture (1991)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms 8/

Annual

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

Right to development

Elimination of all forms of religious intolerance

Question of enforced or involuntary disappearances (biennial after the adoption of the Declaration)

Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

Enhancing the effectiveness of the principle of periodic and genuine elections

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10/ Sub-item (a) to be discussed separately.

World conference on human rights

Developments relating to the activities of the Centre for Human Rights

Torture and inhuman treatment of children in detention in South Africa

Biennial

Respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States (1992)

Human rights and mass exoduses (1991)

Human rights in the administration of justice (1991)

Summary or arbitrary executions (1992)

Development of public information activities in the field of human rights (1992)

Guidelines for the regulation of computerized personal data files

Human rights and scientific and technological developments (1991)

National institutions for the protection and promotion of human rights (1991)

International co-operation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms (1992)

Regional arrangements for the promotion and protection of human rights (1992)

Regional arrangements for the promotion and protection of human rights in the Asian and the Pacific region (1992)

(c) Human rights situations and reports of special rapporteurs and representatives 8/

II. DRAFT BIENNIAL PROGRAMME OF WORK OF THE THIRD COMMITTEE FOR 1991-1992

1991 11/

Item 1. Report of the Economic and Social Council

Documentation

Matters calling for action by the General Assembly (Third Committee) or brought to its attention

Questions that do not fall within the purview of the other items on the agenda of the General Assembly allocated to the Third Committee

Item 2. Elimination of racism and racial discrimination 5/

Documentation

Relevant chapter of the report of the Economic and Social Council on the Second Decade to Combat Racism and Racial Discrimination (A/C.3/45/L.5, para. 26)

Report of the Secretary-General on the financial situation of the Committee on the Elimination of All Forms of Racial Discrimination (A/C.3/45/L.7, paras. 9 and 10)

Report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (A/C.3/45/L.11)

Report of the Committee on the Elimination of Racial Discrimination (resolution 2106 A (XX))

Item 3. Right of peoples to self-determination 5/

Documentation

Report of the Secretary-General on the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights (A/C.3/45/L.9)

Report of the Secretary-General on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination (A/C.3/45/L.10, para. 10)

11/ The programme of work and documentation for 1991 will be revised in the light of the relevant decisions taken by the Economic and Social Council in 1991.

Report of the Secretary-General on the strengthening of assistance to colonial Territories and peoples (A/C.3/45/L.6, paras. 36 and 37)

Item 4. Social development

(a) Questions relating to the world social situation and to youth, aging, disabled persons and the family 9/

Documentation

Relevant chapter of the report of the Economic and Social Council

Interim report of the Secretary-General on the world social situation (A/C.3/45/L.18/Rev.1, para. 9)

Report of the Secretary-General on the work being done within the United Nations system to improve and further develop quantitative and qualitative indicators that measure accurately the social condition and the standard of living of the world's population, particularly in developing countries (A/C.3/45/L.18/Rev.1, para. 11)

Report of the Secretary-General on the Implementation of the International Plan of Action on Aging and related activities (A/C.3/45/L.12/Rev.2)

Report of the Secretary-General on a draft world youth programme of action towards the year 2000 and beyond (A/C.3/45/L.13, para. 10)

Report of the Secretary-General on the progress made in the preparation of the International Year of the Family (A/C.3/45/L.14/Rev.1, para. 14)

Report of the Secretary-General on the implementation of the World Programme of Action concerning Disabled Persons and the United Nations Decade of Disabled Persons (A/C.3/45/L.17, para. 13)

Report of the Secretary-General on progress achieved in implementing and following up the Guiding Principles for Development, Social Welfare Policies and Programmes in the Near Future (resolution 44/65, paras. 14 and 15)

Report of the Secretary-General on the implementation of the programme for International Literacy Year (resolution 44/127)

(b) Crime prevention and criminal justice

Documentation

Report of the Secretary-General on crime prevention and criminal justice (A/C.3/45/L.29/Rev.1, para. 15)

Report of the Secretary-General on the situation of the United Nations African Institute for Crime Prevention and the Treatment of Offenders and all other autonomous institutes of the United Nations (draft decision A/C.3/45/L.102)

Report brought to the attention of the General Assembly:

Note by the Secretary-General transmitting the report of the Ministerial Meeting on proposals for an effective crime prevention and criminal justice programme (A/CONF.144/28, resolution 2, para. 6)

Item 5. Advancement of women

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Committee on the Elimination of All Forms of Discrimination against Women

Report of the Secretary-General on the status of the Convention on the Elimination of All Forms of Discrimination against Women (A/C.3/45/L.22, para. 4)

Report of the Secretary-General on the resources available and necessary to ensure adequate support to the Committee on the Elimination of Discrimination against Women and for the effective implementation of all other aspects of the programme on advancement of women (A/C.3/45/L.22, paras. 12 and 16)

Report of the Secretary-General on the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women (A/C.3/45/L.25, para. 26)

Report of the Secretary-General on the improvement of the status of women in the Secretariat (A/C.3/45/L.19/Rev.2)

Report of the Secretary-General on the interregional consultations on women in public life (A/C.3/45/L.21)

Report of the United Nations Development Fund for Women (A/C.3/45/L.24)

Report of the Secretary-General on the activities of the International Research and Training Institute for the Advancement of Women (resolution 44/60, paras. 8 and 9)

Item 6. Narcotic drugs

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on respect for the principles enshrined in the Charter of the United Nations and international law in the fight against drug abuse and illicit trafficking (A/C.3/45/L.40, para. 4)

Report of the Secretary-General on international action to combat drug abuse and illicit trafficking and on economic and social consequences of illicit traffic in drugs and psychotropic substances (A/C.3/45/L.43/Rev.1, sect. B, paras. 2, 5 and 6)

Annual report of the Secretary-General on the implementation of the Global Programme of Action against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances (A/C.3/45/L.41, para. 4)

Report of the Secretary-General on the enhancement of the United Nations structure for drug abuse control (A/C.3/45/L.44, para. 14)

Item 7. Report of the United Nations High Commissioner for Refugees; questions relating to refugees and displaced persons; and humanitarian questions 12/

(a) Report of the United Nations High Commissioner for Refugees

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the United Nations High Commissioner for Refugees

Report of the Secretary-General (A/C.3/45/L.64, para. 17)

(b) Questions relating to refugees and displaced persons

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on the International Conference on the Plight of Refugees, Returnees and Displaced Persons (A/C.3/45/L.60, para. 10)

Report of the Secretary-General on the International Conference on Central American Refugees (A/C.3/45/L.65, para. 16)

Report of the Secretary-General on assistance to student refugees in southern Africa (A/C.3/45/L.91, para. 11)

Report of the Secretary-General on the situation of refugees in the Sudan (A/C.3/45/L.79, para. 9)

Report of the Secretary-General on assistance to refugees in Somalia (A/C.3/45/L.71, para. 12)

12/ Sub-items (a) and (b) to be discussed jointly.

Report of the Secretary-General on assistance to voluntary returnees and displaced persons in Chad (A/C.3/45/L.75, para. 6)

Report of the Secretary-General on assistance to refugees and returnees in Ethiopia (A/C.3/45/L.80, para. 4)

Report of the Secretary-General on assistance to refugees and displaced persons in Malawi (A/C.3/45/L.78, para. 8)

Report of the Secretary-General on humanitarian assistance to refugees and displaced persons in Djibouti (A/C.3/45/L.76, para. 6)

Report of the Secretary-General on emergency humanitarian assistance to Liberian refugees and displaced persons (A/C.3/45/L.63, para. 6)

Item 8. Human rights questions

(a) Implementation of human rights instruments 10/

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments of human rights (A/C.3/45/L.50, para. 9 (b))

Report of the Secretary-General on the status of the Convention on the Rights of the Child (A/C.3/45/L.51, para. 10)

Report of the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 39/46)

Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/C.3/45/L.49, para. 9)

Report of the Secretary-General on the status of United Nations Voluntary Fund for Victims of Torture

Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (A/C.3/45/L.53, para. 19)

Report of the Human Rights Committee

Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/C.3/45/L.77, paras. 6 and 7)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms 8/

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on the activities of the organizations of the United Nations system on the implementation of the Declaration on the Right to Development (A/C.3/45/L.28, para. 7)

Report of the Secretary-General on the torture and inhuman treatment of children in detention in South Africa (A/C.3/45/L.54, para. 6)

Report of the Secretary-General on national institutions for the protection and promotion of human rights (resolution 44/64, para. 13)

Report of the Secretary-General on human rights and mass exoduses (A/C.3/45/L.70, para. 13)

Report of the Preparatory Committee for the World Conference on Human Rights (A/C.3/45/L.73/Rev.1, para. 13)

Report of the Secretary-General on developments relating to the activities of the Centre for Human Rights (A/C.3/45/L.72/Rev.1, para. 3)

Report of the Secretary-General on a draft programme of activities on the International Year for the World's Indigenous People (A/C.3/45/L.84, para. 7)

Report of the Secretary-General on his findings in pursuance of paragraphs 10 and 11 of resolution A/C.3/45/L.56, as amended and on the United Nations experience in election monitoring (A/C.3/45/L.56, as amended, paras. 10 and 11)

Draft resolution entitled "Respect for the will of the people of Myanmar" (A/C.3/45/L.58) (A/C.3/45/SR.57)

Report of the Secretary-General on the respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes (A/C.3/45/L.59, para. 10)

Draft resolution entitled "Non-discrimination and protection of minorities" (A/C.3/45/L.83) (A/C.3/45/SR.58)

Report of the Secretary-General on human rights in the administration of justice (A/C.3/45/L.86, para. 12)

(c) Human rights situations and reports of special rapporteurs and representatives 8/

Documentation

Relevant chapter of the report of the Economic and Social Council

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Item 1. Report of the Economic and Social Council

Documentation

Matters calling for action by the General Assembly (Third Committee) or brought to its attention

- Questions that do not fall within the purview of the other items on the agenda of the General Assembly allocated to the Third Committee

Item 2. Elimination of racism and racial discrimination 5/

Documentation

Relevant chapter of the report of the Economic and Social Council (A/C.3/45/L.5)

Report of the Committee on the Elimination of Racial Discrimination (resolution 2106 A (XX))

Report of the Special Rapporteur on adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (A/C.3/45/L.4)

Report of the Secretary-General on the status of the International Convention on the Elimination of Racial Discrimination (A/C.3/45/L.8)

Item 3. Right of peoples to self-determination 5/

Documentation

Item 4. Social development 13/

(a) Questions relating to the world social situation and to youth, aging, disabled persons and the family

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on the status of the role of co-operatives in the light of new economic and social trends (resolution 44/58, para. 4)

Report of the Secretary-General on the implementation of the policies and programmes involving youth (A/C.3/45/L.13, para. 14)

(b) Crime prevention and criminal justice

Documentation

Relevant chapter of the report of the Economic and Social Council on international co-operation in combating organized crime (resolution 44/71 and A/C.3/45/L.33, para. 3)

Item 5. Advancement of women

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the United Nations Development Fund for Women

Report of the Committee on the Elimination of All Forms of Discrimination against Women

Report of the Secretary-General on the status of the Convention on the Elimination of All Forms of Discrimination against Women (A/C.3/45/L.22, para. 4)

Item 6. Narcotic drugs

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on the implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (A/C.3/45/L.39, para. 7)

13/ General debate on the world social situation on the basis of the report of the Economic and Social Council.

Annual report of the Secretary-General on the implementation of the Global Programme of Action against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances (A/C.3/45/L.41, para. 4)

Item 7. Report of the United Nations High Commissioner for Refugees; questions relating to refugees and displaced persons; and humanitarian questions 3/

(a) Report of the United Nations High Commissioner for Refugees

Documentation

Report of the United Nations High Commissioner for Refugees

(b) Questions relating to refugees and displaced persons

(c) Humanitarian questions

Documentation

Report of the Secretary-General on humanitarian assistance to victims of natural disasters and similar emergency situations (A/C.3/45/L.27, para. 8)

Report of the Secretary-General on a new international humanitarian order (A/C.3/45/L.31, para. 5)

Item 8. Human rights questions

(a) Implementation of human rights instruments

Documentation

Report of the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 39/46)

Report of the Human Rights Committee

Report of the Secretary-General on the status of the Convention on the Prevention and Punishment of the Crime of Genocide (A/C.3/45/L.69, para. 5)

Report of the Secretary-General on the status of the United Nations Voluntary Fund for Indigenous Populations (A/C.3/45/L.74, para. 2)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Documentation

Relevant chapter of the report of the Economic and Social Council

Report of the Secretary-General on the development of public information activities (A/C.3/45/L.35, para. 16)

Report of the Preparatory Committee for the World Conference on Human Rights (A/C.3/45/L.73/Rev.1, para. 13)

Report of the Secretary-General on the state of the regional arrangements for the promotion and protection of human rights (A/C.3/45/L.87, para. 10)

Report of the Secretary-General on the views of Member States on General Assembly resolution 43/124 regarding the impact of property in the enjoyment of human rights and fundamental freedoms (oral draft decision A/C.3/45/SR.51)

Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (A/C.3/45/L.88, para. 8)

III. RECOMMENDATIONS CONCERNING ORGANIZATIONAL MATTERS

Pre-sessional documentation

1. Pre-sessional documentation should be circulated six weeks in advance in all working languages.

Introductory statements by Secretariat officials

2. Texts of introductory statements by Secretariat officials should be circulated to delegations in the original language and in the other official languages, if possible, at least three days in advance of the introduction of the item. Oral introductory statements should not exceed 15 minutes' duration and should only highlight areas of special interest.

3. Secretariat officials should, at the end of the debate on a particular item, respond to matters raised and to questions asked.

Statements by delegations

4. In accordance with rule 106 of the rules of procedure of the General Assembly and paragraph 22 of decision 34/401 on the rationalization of the procedures and organization of the General Assembly, at the beginning of each session the Chairman should propose to the Third Committee the limitation of the time to be allowed to speakers. While it is understood that this decision will have to be applied with a degree of flexibility, delegations are encouraged to exercise self-discipline in this respect.

5. Copies of interventions made by delegations will be distributed by the conference officers. If a delegation is in a position to provide 200 copies, they may be circulated to all delegations during delivery of the statement. If only a limited number of copies can be provided, they may be given to the conference officer for placement at the back of the conference room.

Programme of work

6. The Secretariat should propose the Third Committee's programme of work on the basis of experience gained at previous sessions of the Committee so that sufficient time is allocated for the consideration of a given item.

Questions for further consideration

7. Further consideration should be given to:

(a) The question of inviting eminent persons to address the Third Committee on the world social situation or other issues. It was considered that the experience of other Committees with that matter should be reviewed;

(b) The question of the revitalization of the Economic and Social Council and the relationship of that exercise to the work of the Third Committee;

(c) The relationship between the work of the Second and Third Committees.

Omnibus draft resolutions

8. Delegations are encouraged, to the extent possible, to draw up omnibus resolutions and to make resolutions as short and concise as possible.